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Legislative Council  
Debates

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ELEVENTH SESSION, 1933

(6th, 8th, 9th and 10th March, 1933)

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NIGERIA

# Legislative Council Debates

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LAGOS:  
Printed and published by the Government Printer

1933

DEBATES  
IN THE  
LEGISLATIVE COUNCIL  
OF  
NIGERIA

ON  
Monday, 6th March, 1933.

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Pursuant to notice the Honourable the Members of  
the Legislative Council met in the Council Chamber,  
Lagos, at 10 a.m. on Monday the 6th of March, 1933.

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PRESENT.

OFFICIAL MEMBERS.

- The Governor,  
His Excellency Sir Donald Cameron, G.C.M.G., K.B.E.
- The Chief Secretary to the Government,  
The Honourable Mr. G. Hemmant, C.M.G.
- The Lieutenant-Governor, Southern Provinces,  
His Honour Captain W. Buchanan Smith, C.M.G., M.C.
- The Attorney-General,  
The Honourable Mr. A. C. V. Prior.
- The Treasurer,  
The Honourable Mr. C. W. Leese, C.M.G.
- The Director of Medical and Sanitary Service,  
The Honourable Dr. W. B. Johnson, C.M.G.
- The Honourable Mr. E. R. J. Hussey,  
Director of Education.
- The Director of Marine,  
The Honourable Capt. L. J. Hall, O.B.E., R.D., R.N.R.
- The Comptroller of Customs,  
The Honourable Mr. E. C. F. Bird.
- The Secretary, Northern Provinces,  
The Honourable Mr. G. J. Lethem.

- The Deputy Chief Secretary,  
The Honourable Mr. A. C. M. Burns, C.M.G.
- The Acting Administrator of the Colony,  
The Honourable Mr. E. M. Falk.
- The Senior Resident, Iorin Province,  
The Honourable Mr. H. B. Hermon-Hodge.
- The Senior Resident, Owerri Province,  
The Honourable Mr. O. W. Firth.
- The Acting Secretary, Southern Provinces  
The Honourable Mr. G. G. Shute.
- The Acting General Manager of the Railway,  
The Honourable Mr. W. Cramer Bostock.
- The Director of Public Works,  
The Honourable Mr. C. L. Cox.
- The Director of Agriculture,  
The Honourable Mr. O. T. Faulkner, C.M.G.
- The Honourable Lt.-Col. R. H. Rowe, D.S.O., M.C.,  
Commissioner of Lands.
- The Honourable Mr. C. W. Duncan, C.B.E. (Provisional),  
Inspector-General of Police.

## UNOFFICIAL MEMBERS.

- The First Lagos Member,  
The Honourable Dr. C. C. Adeniyi-Jones.
- The Member for the Colony Division,  
The Honourable Sir Kitoyi Ajasa, Kt., O.B.E.
- The Second Lagos Member,  
The Honourable Mr. E. O. Moore.
- The Member Representing the Niger African Traders,  
The Honourable Mr. S. C. Obianwu.
- The Commercial Member for Calabar,  
The Honourable Mr. G. Graham Paul.
- The Member for the Egba Division,  
The Honourable Mr. S. H. Pearse.
- The Member for the Rivers Division,  
The Honourable Mr. Mark Pepple Jaja.
- The Commercial Member for Lagos,  
The Honourable Mr. R. F. Irving.
- The Member for the Warri-Benin Division,  
The Honourable Mr. I. T. Palmer.

- The Member for Calabar,  
The Honourable Mr. C. W. Clinton.
- The Third Lagos Member,  
The Honourable Mr. T. A. Doherty.
- The Banking Member,  
The Honourable Mr. L. M. Herapath.
- The Commercial Member for Kano.  
The Honourable Mr. T. Hepburn.
- The Member for the Ibo Division,  
The Venerable Archdeacon G. T. Basden.
- The Commercial Member for Port Harcourt,  
The Honourable Mr. P. H. Davey.
- The Member for Shipping (Provisional).  
The Honourable Mr. T. Whitfield, O.B.E.
- The Mining Member (Provisional),  
The Honourable Mr. J. D. Young.

## ABSENT.

- The Acting Lieutenant-Governor, Northern Provinces,  
His Honour Mr. G. S. Browne, C.M.G.
- The Commandant,  
The Honourable Colonel W. R. Meredith, D.S.O.
- The Senior Resident, Plateau Province,  
The Honourable Mr. H. H. Middleton.
- The Senior Resident, Kano Province,  
The Honourable Mr. H. O. Lindsell.
- The Senior Resident, Calabar Province,  
The Honourable Mr. G. H. Findlay.
- The Resident, Niger Province,  
The Honourable Mr. H. F. Backwell.
- The Resident, Bornu Province,  
The Honourable Mr. P. de Putron.
- The Resident, Kabba Province,  
The Honourable Mr. H. B. James.
- The Resident, Warri Province,  
The Honourable Mr. J. W. C. Rutherford.
- The Resident, Benue Province,  
The Honourable Mr. E. S. Pembleton.
- The Member for the Oyo Division,  
The Honourable Mr. A. S. Agbaje.

**PRAYERS.**

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

**CONFIRMATION OF MINUTES.**

The Minutes of the meeting held on the 9th January, 1933 having been printed and circulated to Honourable Members were taken as read and confirmed.

**OATHS.**

The Honourable the Senior Resident, Owerri Province, the Honourable the Acting Secretary, Southern Provinces, the Honourable Mr. C. W. Duncan, C.B.E. (Provisional Member), Inspector-General of Police, the Honourable the Member for Shipping (Provisional), the Honourable the Mining Member (Provisional), took the Oath as members of the Council.

**ADDRESS OF HIS EXCELLENCY THE GOVERNOR.**

His Excellency:—

Honourable Members of the Legislative Council. The words which I should have employed in the ordinary course in a speech opening the second Budget session of the Legislative Council over which I shall have had the honour to preside since my return to Nigeria have, on account of their length, been cast in the form of an Address which has been printed, and which is at this moment being circulated to Honourable Members. Honourable Members will find in that Address a phrase to the effect that the vigilance which during the last two years has been exercised in the management of the public finances of Nigeria has not been relaxed, and I have reserved this opportunity to add with emphasis that that vigilance will not be relaxed. Ceaseless vigilance night and day is necessary until the trade and commerce of the country oppressed by conditions which pervade the whole world to-day have attained some better level of prosperity.

I am fortunate enough to be able to lay before the Council a balanced budget (cheers), balanced wholly and in full. The Estimates of Expenditure have been prepared, as in the words of my Address, "with the utmost caution". The Estimate of Revenue has been framed with extreme caution and is based solely on the present volume of trade without any speculation as to what might happen during the course of the next twelve months. It is necessary that I should take this opportunity to say that if in the course of the coming financial year there is reasonable ground to believe that there will be a serious short-fall in revenue, that is, that conditions as they have existed for the last six months have gone back rather than improved, it will be necessary to review the financial position of the Government and to have recourse to measures to redress the balance, so far as may be possible.

I take this opportunity to lay before the Council at the same time the public paper which is alluded to in my Address, that is, a Memorandum on the "Principles of Native Administration and their Application" written by myself.

## PAPERS LAID.

Sessional Paper No. 1 of 1933, Tanganyika Territory Native Administration Memorandum No. 1.

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

Sessional Paper No. 2 of 1933, Annual Report on the Veterinary Department, 1931.

Sessional Paper No. 3 of 1933, Okene Water Supply.

Supplementary Estimates, 1931-32, fourth quarter (first list).

Supplementary Estimates, 1931-32, fourth quarter (second and final list).

Supplementary Estimates, 1932-33, first quarter.

Supplementary Estimates, 1932-33, second quarter.

Supplementary Estimates, 1932-33, third quarter.

Draft Estimates, 1933-34.

Memorandum on the draft Estimates, 1933-34.

Subsidiary legislation made since the last meeting of the Council.

Stationery Office Publication, Cmd. 3693. Draft Conventions and Recommendations adopted by the International Labour Conference at its Fourteenth Session, 10th June—28th June, 1930.

## QUESTIONS.

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

1. (a) To ask for a statement of the effect, immediate and remote, upon the life and the fruit-bearing properties of palm-trees tapped for palm-wine?

(b) Is the Honourable the Director of Agriculture satisfied that a wholesale and an uneconomic destruction of valuable fruit-bearing palm-trees is not resulting from the palm-wine trade?

Answer:—

THE HON. THE DIRECTOR OF AGRICULTURE:—

(a) The common method of tapping and the only one permitted in most provinces is "inflorescence tapping". The tree is not permanently damaged by this method, but naturally an inflorescence that has been fully tapped yields no fruit. If tapping is continued, the tree, after a few years, ceases to bear any inflorescences at all for a number of years, so that a rest is automatically insured. After that period the tree again yields either fruit or wine.

(b) The answer is in the affirmative.

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

2. (a) What is the amount provided in the Estimates for 1933-34 under "Presents to Chiefs"?

(b) What, if any, is the absolute necessity for this item to continue, and for

(c) Political or Administrative Officers to continue to receive presents from Chiefs?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

(a) £125.

(b) Traditional ceremonial is said to demand such presents in certain places but Your Excellency does not conform to this view and refuses such presents.

(c) For the same reason the exchange of small presents between Chiefs and Administrative Officers is sometimes regarded as necessary but the practice is being discouraged. Presents in such cases are paid for by the individuals concerned.

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

3. (a) What was the value of Government contracts, if any, to foreign firms (1) in the Colony and (2) outside the Colony during the financial year ended March 1931?

(b) What is the value of similar contracts during the current financial year up to December 31, 1932?

(c) What particular reasons has Government for accepting tenders from and giving contracts to foreign firms in preference to British firms?

(d) Whether preference in respect of such contracts will not be confined to persons of British, British Colonial, or British West African, nationality whenever possible?

(e) If not, why?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

(a) (1) Nil. (2) £4,674.

(b) (1) £263. (2) £680.

(c) In all these cases the tenders of foreign contractors were considerably lower than any British tender.

(d) The answer is in the affirmative.

(e) Does not therefore arise.

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

4. (a) To ask His Honour the Lieutenant-Governor, Southern Provinces, whether the *Dipomu* System is still in existence in any of the Provinces under his Administrative charge, and if so, in which Province, or Provinces?

(b) What is the *modus operandi* of the system at the present time?

(c) How many women were held in the respective Provinces under the system? How many were released? And how much was paid for their release in each case, during the year 1931?

(d) How many were held under the system on the 31st of December, 1932, how long has each been so held, and how many were released during that year?

(e) What happens to those for whose release the required amount is not found?

(f) Does the Government still hold that the system of *Dipomu* is no form of slavery?

Answer:—

THE HON. THE ACTING SECRETARY, SOUTHERN PROVINCES:—

(a) Yes, Sir, in Abeokuta only.

(b) The Honourable Member is referred to paragraphs (c) and (d) of the reply to Question 80 asked by him at the meeting of this Council held on the 30th January, 1930.

(c) 177 women were held in 1931 of whom 154 were released during the year. The amount paid in respect of each release was the amount of the dowry due to be paid by the prospective husband to the former husband.

(d) 14 women were living in the *Dipomu* house on the 31st December, 1932, five of whom had been there over one month but less than two months and nine for one month or under. 180 women were released during 1932.

(e) No woman may remain in the *Dipomu* house over six months.

(f) Yes, Sir.

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

5. (a) Under what conditions do West African Students gain admission into the Imperial College of Agriculture, Trinidad?

(b) If it is a fact that those conditions are in any way inimical to their interests, or prejudicial to their chances of gaining admission thereto, to ask why should any contribution from Nigeria towards its upkeep be made?

Answer:—

THE HON. THE DIRECTOR OF AGRICULTURE:—

(a) Under the standard conditions. Matriculation of any University within the British Empire or its recognised equivalent is accepted as qualification for admission to the diploma course. So far as is known there have been no candidates for admission from West Africa as yet.

(b) It is not a fact and the question does not therefore arise.

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

6. (a) What are the conditions which determine the payment of full salary, with or without free ocean passage, to officials granted special leave on *urgent private affairs*?

(b) How many officials, (1) European, (2) African, and (3) West Indian, obtain such leaves during the calendar years 1931 and 1932 respectively, and at what cost to the revenue?

(c) What advantage has this form of expenditure that it should be allowed?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

(a) The conditions governing the grant of leave on urgent private affairs to European officials are contained in Regulation No. 92 of the current edition and 129 of the old edition of the Regulations for His Majesty's Colonial Services. There are no specific regulations for the grant of leave on urgent private affairs to African or West Indian officials.

(b) *European Officials.*

	<i>No.</i>	<i>Cost.</i>
1931	8	£676.
1932	8	£761.

(c) Leave and passage privileges form one of the conditions of service of European officials who in West Africa are of course not living in their own country and their own homes.

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

7. (a) To ask for a statement of the number of Senior Residents in the service and their inclusive cost per annum?

(b) What objections would there be to abolishing the post of Lieutenant-Governor, and merging three or four provinces together under a Senior Resident, with District Officers and Assistant District Officers as administrative assistants, with a view of effecting a reduction in personnel and in administrative cost without impairing administrative efficiency?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

(a) The establishment and emoluments of Senior Residents are shown under Items 1 and 2 of Head 28 of the Draft Estimates which are in the hands of the Honourable Member. Other expenditure incurred in respect of these officers is included under Other Charges Items of the same Head. It is impossible however to calculate the proportion of expenditure under such items which should properly be assigned to individual officers.

(b) The question is hypothetical.

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

8. (a) To ask whether African Civil Servants who visit England on study leave, or in the interest of their substantive appointments, participate equally and as of right in the amenities of the Colonial Service Clubs at Oxford and Cambridge? If not,

(b) Why should Nigeria continue her annual contribution of £450, or whatever it is Nigeria pays, towards the upkeep of those Clubs?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

(a) The answer is in the negative.

(b) These clubs are intended for the use of those who have been selected for the Colonial Civil Service and are being trained at Oxford and Cambridge. They are considered to fulfil a useful purpose in that training and consequently are supported by the Governments concerned including the Nigerian Government.

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

9. (a) Apropos of the reply of the Crown in the B. R. Lawrence case in April last year defining Native Administrations as *Government Departments*, would Government kindly state why representations repeatedly made in this Council for the accounts of those Administrations to be kept under a proper system of Audit by Auditors, as in the case of the Colony proper, never did receive Government approval?

(b) Would His Honour the Lieutenant-Governor, Northern Provinces, kindly state how it was that the alleged defalcations in this case were not detected until Mr. Lawrence had left the country?

(c) What explanations had the responsible officials to offer for failing to detect the alleged defalcations when they took over, and before Mr. Lawrence left the Colony on leave?

(d) Were these officials ever held responsible for that portion of expenditure involved either in transport or otherwise, which might never have been incurred if the alleged defalcations were detected before Mr. Lawrence left the country?

(e) If not, would Government please state why they were not?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

(a) Arrangements have been made for the audit of the accounts of certain Native Administrations, and the question of the form of audit for the accounts of other Native Administrations is now under consideration.

(b), (c), (d) and (e) The matter to which these questions refer is still *sub judice*.

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

10. (a) Was there any shortage of petrol, or motor spirit, or both, at Port Harcourt within the last eighteen months in connection with the Railway, or any other Government Department?

(b) If so, what was the quantity involved and the value thereof?

(c) If any enquiry was held into the shortage what were the findings and the recommendations?

(d) If none was held, to ask why?

Answer:—

THE HON. THE ACTING SECRETARY, SOUTHERN PROVINCES:—

- (a) The answer is in the negative.  
 (b), (c) and (d) do not therefore arise.

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

11. (a) To ask whether salaries are at any time, other than on first appointment or on returning from leave, advanced and paid to Civil Servants before the salaries are earned and due? If so,

- (b) Why, and on what terms?  
 (c) What is the total amount advanced up to date during the current financial year?  
 (d) How much of that amount is still outstanding?

Answer:—

THE HON. THE TREASURER:—

(a) An advance of salary is made to any member of the African staff proceeding on transfer who has to bear wholly or partly the cost of his own or his family's transport or who has to purchase stores on proceeding to a remote station where provisions are not ordinarily procurable. Repayment is made in three equal monthly instalments.

Also, advances are made to members of the African staff proceeding on leave to other than British Territory who may be paid the amount of salary to which they will ordinarily become entitled during their leave.

- (b) See (a) above.  
 (c) £681 4s. 1d.  
 (d) £181 5s. 8d.

The above figures are in respect of transactions up to 31st December, 1932.

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

12. (a) What is the number of motor accidents within the municipal area of Lagos, and the number of persons convicted for reckless driving, during the last calendar year?

(b) If those numbers show any disquieting increase over those for the previous year, or if they call for greater activities for the safety of the public, how is the situation being met?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

- (a) 141 accidents.  
 142 persons convicted.

(b) The numbers do not show any disquieting increase over those for the previous year. Pedestrians were involved in 44 of these accidents and in the majority of cases the accident was due to

carelessness on the part of the pedestrian. The subject of "Avoidance of Street Accidents" was brought to the notice of the public during Health Week.

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

13. (a) To ask whether the conditions under which motor drivers' licences are issued include the possession by the applicants of good eyesight? If not

(b) Would not the Licensing Authorities, as a measure against accidents, make the possession of good eyesight as certified by a competent authority a condition under which licences are to be granted?

(c) With the increase in the number of "taxis" and buses on the road, and in the interest of the safety of travellers in them, to ask whether the Licensing Authorities would not insist on applicants for driving licences for taxis and buses having a workable knowledge of the mechanism of their vehicles, and an appreciable idea of "first aid" and of "the law of the road"?

*Answer:—*

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

(a) The answer is in the negative.

(b) Such a certificate is not considered to be necessary.

(c) It is not considered necessary to insist that applicants should have a working knowledge of the mechanism of their vehicles or an appreciable idea of First Aid.

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

14. Apropos of the privileges published in Government Gazette Notice No. 946 of December, 1932, to ask whether the concessions indicated therein may not in future be made applicable to third class Railway travellers also, instead of being restricted to travellers with first and second class tickets only?

*Answer:—*

**THE HON. THE ACTING GENERAL MANAGER OF THE RAILWAY:—**

The question will be considered.

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

15. (a) What has been the incidence of diseases of a tropical nature upon, and what is, the invaliding-rate of, the country's European and West Indian Civil Servants during the twelve months ended December, 1932, and how do the figures compare with those of each of the preceding ten years?

(b) With improved sanitary conditions, better housing accommodation, etc., to ask whether a modification of the conditions for the granting of local leave may not be considered?

Answer:—

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

(a) No special summary is made of the incidence of diseases of a tropical nature and no separate figures are kept for West Indian Civil Servants. The invaliding rate for European Officials for the year 1931, *i.e.*, the last year for which the figures have been compiled, was 7.8 per cent which was higher than any rate in the last ten years.

(b) The invaliding rate has no bearing on the question of local leave.

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

16. (a) To ask whether it is a fact that there are still two European Draughtsmen in the staff of the Drawing Section of the Survey Department, one doing supervision duties, the other checking plans and tracings only?

(b) (i) Is the checking of plans and tracings in the Lithographic Section of that Department the work of a European also?

(ii) And are there two European Officers in charge of this section as well? If so,

(c) Are there no African Draughtsmen, or Surveyors, after all the training the Department has been giving these many years, who are competent to check plans and tracings that Europeans have still to be employed for such jobs?

(d) Could nothing be done in these directions to ease the Department of what appears to be over-staffing?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

(a) There are two European Draughtsmen on the staff of the Drawing Office of the Survey Department each of whom is doing supervision and instructional duties as well as the checking of plans and tracings.

(b) (i) The answer is in the negative.

(ii) The answer is in the affirmative.

(c) Some African Draughtsmen check plans but it is still necessary to employ European Officers.

(d) The office is not overstaffed.

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

17. (a) Will Government kindly state how the desired economy is being exercised by keeping the Examination and the Computing Sections of the Survey Department under two distinct European officers, as appears to be the case in the Survey Department?

(b) If, for instance, the Lithographic Section was efficiently administered, as presumably was the case, with one European Head for the five years between the employment of the first European

and that of the second, what may be the reason why the section may not revert to that former status now that it is so desirable that every attempt be made to relieve all Departments of redundant offices or officers?

*Answer:—*

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

(a) There is no connection between the work of the Examination Section and the Computing Section. Efficient organisation requires two distinct European Officers.

(b) The increase in the work of the section prohibits such a reversion.

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

18. (a) To ask whether there is any truth in the report that in the Survey Department increments of the African staff have been held over in about ninety per cent of cases, more or less, during the current financial year? If so,

(b) Will Government kindly inform Honourable Members whether this holding over of increments has been general in every department and in the same proportion? And whether increments other than those of members of the African Staff have been held over in the same manner?

*Answer:—*

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

(a) The answer is in the negative.

(b) Does not therefore arise.

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

19. (a) How many of the stalls of the new market at Oko Awu are tenanted at the present time?

(b) As it is the general opinion amongst the market women, who are the prospective patrons of these stalls, that the rent charged and demanded is prohibitive these hard times, what objections may there be to reducing that rent to a margin that will invite and encourage the desirable patronage of the market women?

*Answer:—*

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

(a) Fourteen.

(b) The question is under consideration.

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

20. (a) What is the number and value of new machines erected in the Railway Shops at (1) Yaba and (2) Enugu during the eighteen months ended December, 1932?

(b) How many of the machines in the respective shops are lying idle at the present moment? How long has each been lying idle? And why were new machines erected practically to remain idle?

(c) How many machines have been scrapped during the last eighteen months, what was the original purchase price, and the life of each at the time of scrapping?

*Answer:—*

THE HON. THE ACTING GENERAL MANAGER OF THE RAILWAY:—

(a) (i) Ebute Metta Workshops: 150 machine tools. Approximate cost including fixing and erecting in position: £81,000.

(ii) Enugu. Nil.

(b) No machines are surplus to requirements, and all are expected to be at work by 1st April, 1933.

(c) 19. Approximate original cost £4,000. 20 years.

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

21. (a) What was the number of deaths in the epidemic of smallpox reported some months ago at Gwoza in the Bornu Province?

(b) How soon after the outbreak did the Resident know about it?

(c) How soon after the Resident was notified were measures adopted to save the situation? And

(d) What were the measures adopted?

*Answer:—*

THE HON. THE SECRETARY, NORTHERN PROVINCES:—

(a) 530.

(b) Immediately.

(c) Immediately.

(d) Segregation of cases and vaccination of those residing in the vicinity.

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

22. (a) Is there any truth in the report that policemen shoot stray and unlicensed dogs in public thoroughfares in some of the Provinces in the North?

(b) Is it also a fact that on one occasion in the township of Jos a shot very nearly killed a child; and that on another occasion another shot actually entered a house, only fortunately no one was in at the time?

(c) Could not the authorities responsible adopt other and safer measures to deal with stray and unlicensed dogs?

*Answer:—*

THE HON. THE SECRETARY NORTHERN PROVINCES:—

(a) The answer is in the affirmative. Every precaution is taken to avoid risk to the public.

(b) The answer is in the negative.

(c) The present method is considered safe and satisfactory.

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

23. (a) With the present weekly wage of labourers in the mines at the Plateau Province averaging, as alleged, about 3s. 6d. per man, is it a fact that the labourers are taxed for revenue purposes at the rate of 5s. per annum?

(b) If it is also a fact that clerks with a salary of £30 per annum pay tax at the rate of twopence in the pound, why are labourers with the much smaller income of not more than £9 2s. per annum paying tax at a rate equivalent to about sixpence halfpenny in the pound?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

(a) The answer is in the negative.

(b) The comparison suggested by the Honourable Member is incorrect.

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

24. (a) Is the Government perfectly satisfied that 3s. 6d. per week is an adequate, or a reasonable, wage for African mining labourers, skilled and unskilled, in the North?

(b) Are the sanitary conditions in and around the mining camps, and those under which these mining labourers work, desirable in every way and do not call for improvement?

(c) Has any Commission ever sat to enquire into the above conditions, into the rate at which these labourers are taxed, and into the adequacy, or inadequacy, of their wages?

(d) Is there any reason why one such Commission should not be set up now?

Answer:—

THE HON. THE SECRETARY NORTHERN PROVINCES:—

(a) The rates of their wages are governed by supply and demand and by the price of food.

(b) Sanitary conditions are considered to be satisfactory.

(c) The answer is in the negative.

(d) The appointment of a commission is not considered to be necessary.

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

25. (a) Is there any truth in the report that an outbreak of cattle disease in the Sokoto Province, three months ago or thereabout, affected such a large number of herds that the Veterinary Officer had to recommend compulsory and free inoculation?

(b) With the very low price of cattle said to be obtaining at the present time in the North may not the Jangali tax of 2s. or 2s 6d. be modified so as to leave some margin of profit to enable cattle dealers to pay inoculation fees?

(c) Is it not a fact that the inability to pay for, and obtain inoculation of cattle contributed very largely to the outbreak of cattle disease referred to above?

Answer:—

THE HON. THE SECRETARY, NORTHERN PROVINCES:—

- (a) The answer is in the affirmative.  
 (b) The matter is under consideration.  
 (c) The answer is in the negative.

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

26. (a) Is there any truth in the report that Government is considering the question of increasing the Police Force and the Nigeria contingent of the West African Frontier Force? If so,

(b) For what purpose is the increase being contemplated, and what effect will it have upon the Estimates of Expenditure?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

- (a) The answer is in the negative.  
 (b) Does not therefore arise.

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

27. (a) When was the last "Census Day", and what was the number of male adults "of no occupation" on that day?

(b) Has Government no proposals whatsoever for dealing with the question of unemployment so very rife in town?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

(a) The 23rd of April, 1931. No information as to occupations was obtained in the Lagos census.

(b) Assistance is given for the return of the unemployed to their homes.

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

28. Municipal form of Government being the recognised training ground for Parliamentary Government, what objections has the Government to an increase in the existing number of elected representatives in the Lagos Town Council?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The question of extending the representative principle will be considered no doubt when the Council undertakes all the duties for which a municipality is generally responsible and is more nearly self-supporting.

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

29. What objections has Government to handing over to the Lagos Community, or a representative body thereof, the *entire management* of Glover Memorial Hall, and the Race Course, in order to give that Community opportunities for a desirable training in the management by themselves and without Government control of matters of public interest?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

Government is not aware that the Lagos community is desirous of a change in the constitution of the Board of Management of the Lagos Race Course or of the Board of Trustees of the Glover Memorial Hall, as set up respectively under Chapters 60 and 61 of the Laws of Nigeria. If the Honourable Member desires to make any proposals on this subject his proper course is by way of motion.

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

30. (a) What salary would the Honourable the Director of Medical and Sanitary Service recommend for African Health Visitors, or Midwives, trained in England and holding Central Midwife's Board Certificates.

(b) What would be their prospects of a rise in the service?

Answer:—

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

(a) It is presumed that the Honourable Member refers to the salary of Midwives and Health Visitors who obtain employment in Government Service.

It is considered that women trained in Nigeria as 1st Grade Midwives and Health Visitors receive a training which is as generally useful for the service of Government as those who receive their training in England and that therefore the latter should, if they wish to enter Government service, enter upon equal terms to those trained in Nigeria *i.e.*, as 2nd Class Midwives at £36-6-£66 per annum with promotion to 1st Class Midwives at £72-8-£112 per annum.

Women who have qualified in England and who have subsequently gained experience equivalent to that gained by 2nd

Class Midwives in Nigeria, during their course of service as such in Nigeria, should be considered for appointment as 1st Class Midwives upon first appointment if vacancies for such posts occur.

Women of higher educational standard who have been trained in England, and who do not wish to enter Government service upon a comparatively low scale of pay, can be registered in Nigeria as Midwives and can then undertake private practice in Midwifery.

(b) Prospects of promotion in the service are the same for all and depend upon ability.

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

31. What effect is being given in the service to His Excellency's willingness to advance Africans to higher, or European, posts, and to give them facilities to qualify for those posts?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

Appointments are made as suitable opportunities occur. Secondary education is provided or subsidised by the Government and Yaba Higher College is being constructed.

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

32. As clause 203 of Government General Orders appears to preclude African Civil Servants of the grade of Second Class Clerks (but with salaries of £152 to £176 per annum) from enjoying the amenities of the leave periods, free transport, etc., to which they would have been entitled had their rise in salary carried with it promotion, as to grade, in accordance with their rate of salary, and as all such increments are rewards for merit, efficiency, and good conduct, to ask whether Government would not be pleased either to reconsider that clause, or allow Clauses 206, 584, 588, and other clauses *granting privileges according to salary to govern conditions of leave for these clerks?*

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The Government does not propose to increase the privileges in these respects now extended to Second Class Clerks.

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

33. Will Government kindly lay on the table of this Honourable Board for information of Members a schedule of works in construction, repairs, and maintenance of roads, bridges, and streets, (1) in the Colony proper and (2) the Southern Provinces, for the financial year 1932-33, with a statement of the actual work done and the expenditure incurred therein up to December 31, 1932?

Answer:—

THE HON. THE DIRECTOR OF PUBLIC WORKS:—

<i>Construction of Roads and Bridges by P.W.D.</i>	Estimate 1932-33.	Spent to Dec. 31st, 1932.
	£	£
(i) In the Colony ... ..	Nil.	Nil.
(ii) Replacing bridges, Benin-Agbor Road ... ..	5,257	1,895
(iii) Improvements, Ibadan-Ejinrin Road ... ..	750	123
(iv) Itu Embankment, improvements	600	60
(v) Ikom-Mamfe-Bamenda Road. Completion of Mainyu Bridge ...	200	185
<i>Maintenance of Roads and Bridges by P.W.D.</i>		
(i) In the Colony ... ..	3,190	1,982
(ii) In the Southern Provinces ...	88,650	59,682
<i>Mileage of Roads and Streets main- tained by P.W.D.</i>		
(i) In the Colony ... ..	...	32 miles.
(ii) In the Southern Provinces ...	... 2,633	,,

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

34. (a) Is it a fact that some Government officials who are entitled to Motor-car Allowance are permitted to purchase their supplies of petrol from some Government Departments free of duty? If so,

(b) What class of officers enjoy this privilege? And

(c) What is the total sum that should have been paid into the revenue during the last calendar year had such rebate of duty not been conceded?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

(a) The answer is in the negative.

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

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

35. (a) Who was responsible for the work on the Roads round and about Ogoja Province in respect of which a contractor, Otta Ochocha, recently sued the Government and was awarded damages of £1,563 6s. 7d. by the Supreme Court?

(b) What is the intention of Government as regards recovery from him of the amount of money thus lost to the revenue?

Answer:—

THE HON. THE DIRECTOR OF PUBLIC WORKS:—

(a) The officers concerned are no longer in the Government service.

(b) There was no loss to revenue. The award was for work done.

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

36. In view of the economic distress prevailing in the country what objections has Government to recommending to the Town Council Authorities a refund to ratepayers on application of half the amount paid as water-rate where houses are proved untenanted for six consecutive months in any one financial year?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The law does not provide for such a refund.

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

37. (a) What is the estimated cost of the Electric Light Department Showroom at Broad Street? How much has actually been spent up to date? And how much more will be spent to completion?

(b) What proportion of that cost has the Government to bear? What will be the annual cost of maintenance? And who will be responsible for it?

Answer:—

THE HON. THE DIRECTOR OF PUBLIC WORKS:—

(a) Special expenditure £196.

Expenditure on repairs, etc., £266. The work is complete.

(b) The whole cost is borne by Government. The estimated cost of upkeep including electric current is £59 per annum. The Showroom is in the charge of the Electrical Engineer-in-Chief, Public Works Department.

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

38. (a) How many aliens entered the country during each of the calendar years 1931 and 1932, and of what nationality?

(b) What safeguards has the Immigration Department against undesirable aliens entering the country particularly across the various frontiers?

(c) Is there any truth in the report that some of the aliens in the country are being financed by Bolshevist Organisations?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

(a) 1931. 616.

1932. 721.

The list of nationalities is extensive and particulars will be supplied to the Honourable Member. French and Syrians preponderate.

(b) The Immigration Restriction Ordinance.

(c) Not so far as the Government is aware.

THE HON. THE COMMERCIAL MEMBER FOR KANO (MR. T. HEPBURN):—

39. (a) To ask The Honourable the Director of Medical and Sanitary Service in regard to Clause 2B, Paragraph 12, Part 2 of Regulations made under The Hospital Fees Ordinance (Chapter 49), what he considers the income of a Non-European should be before he is charged the maximum fees?

(b) Does he consider a clerk earning £50 per annum should be charged maximum fees?

Answer:—

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

(a) General speaking, about £200. The fee charged depends not entirely upon salary of the patient but also upon the service rendered which may vary greatly both in time expended and work performed for individual patients.

(b) It is not considered that maximum fees should be charged to a clerk earning £50 per annum unless exceptional time and attention have been given.

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

40. To ask whether the duties of Assistant Accountant and Assistant Storekeeper are such that a larger number of Africans than are at present employed may not economically be appointed thereto?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

Yes, Sir, when suitably qualified Africans are available.

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

41. (a) How many Senior Assistant Storekeepers and Senior Assistant Accountants are there at present in the service, and what are their specific duties?

(b) Under present day conditions, to ask whether such posts should still continue?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

(a) There is no post of Senior Assistant Storekeeper or Senior Assistant Accountant.

(b) Does not therefore arise.

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

42. (a) In how many departments of the Administration are Personal Assistants still engaged?

(b) With conditions as they are at present, to ask whether these posts are absolutely indispensable?

(c) Is it a fact that in one of the departments a Personal Assistant is also Naval Agent as well as Secretary to the Lagos (European) Club?

(d) If the post of Personal Assistant be so essential as to be a whole-time one, during what periods of the day does this official carry out the duties of the other two appointments?

(e) What extra emoluments and allowances does he draw in respect of them?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

(a) One. In the Marine Department.

(b) A post of this or a similar nature is necessary in the Marine Department.

(c) No Sir; the Director of Marine is the Naval Agent, but the Personal Assistant carries out the routine duties of that office in addition to his ordinary duties. He relinquished the duties of Secretary to the Lagos Club in March, 1932.

(d) The duties of Naval Agent are carried out as and when required. They involve a considerable amount of overtime work.

(e) An allowance of £60 per annum from Imperial Funds.

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

43. (a) Is there any truth in the report that a European Assistant Accountant of the Marine Department went on a tour of inspection some months ago when there are Auditors in the service and in the country?

(b) If the absence of this officer from the office, and the suspension of his substantive duties, during the inspection occasioned no serious inconvenience to the department, as was apparently the case, was that not a sufficient indication that his post is a redundant one?

Answer:—

THE HON. THE DIRECTOR OF MARINE:—

(a) The answer is in the affirmative.

(b) The inspection was part of the officer's ordinary duties.

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

44. (a) Is it to be understood that the conditions of appointment of European Assistant Civil Engineers and Surveyors to the Railway, the Public Works, and the Survey Departments permit of

young graduates from British Universities, or young Surveyors, coming out to the country without the necessary practical training and experience in practical Engineering or in Surveying?

(b) On what works of utility are they engaged during their first and second tours?

(c) What is the average age of the last twelve of the most recently engaged of such Engineers and Surveyors, and the dates of their appointments?

(d) What are their academic, or professional, qualifications? The year they obtained them? And their initial salary?

(e) What initial salary would Government offer Africans with similar, or superior, British University, or other British, qualifications, but likewise without experience in practical work? And what would be their prospects in the service?

*Answer:—*

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

(a) Nigerian Railway.—Candidates for Engineering appointments must have had experience in practical engineering and surveying.

(b), (c), (d) and (e) therefore do not arise so far as the Railway is concerned.

Public Works Department.—Candidates with at least two years' practical experience of engineering work are preferred, but consideration is given to the applications of candidates with less than two years' practical experience.

Survey Department.—Many candidates have already had practical experience in surveying in other countries, while others have taken practical courses at the University.

(b) In the Public Works Department, on surveys, design and construction of engineering works, maintenance of roads, and general divisional duties.

In the Survey Department, on normal departmental duties including all types of practical work.

(c) (i) Approximately 24.

(ii) 7 in 1928.

1 in 1929.

3 in 1930.

1 in 1931.

(d) All except two, who were articled in 1921 and 1922 respectively to firms of surveyors for five years, graduated in British Universities, mostly in engineering or mathematics, between the years 1927 and 1930. Their initial salary on appointment was £480 per annum.

(e) Initial salary and prospects would entirely depend upon the technical and general qualifications of candidates.

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

45.—Withdrawn.

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

46. In view of the present trade and financial depression in the Colony, to ask whether Government has any objections to recommending to the Lagos Town Council Authorities (1) an acceptance of water-rates by quarterly instead of half-yearly instalments, and (2) the issue of summonses, against defaulters, in respect of these rates, once a year instead of twice as at present obtains?

*Answer:—*

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The Honourable Member's question will be brought to the notice of the Town Council.

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

47. (a) What is the number of Government (European) bungalows unoccupied in (1) Lagos, (2) Ikoyi, (3) Apapa, (4) Ijora, (5) Ebute Metta, (6) Zungeru, (7) Calabar and (8) Kaduna respectively, at the present time? How long has each been lying unoccupied? And what is their present condition?

(b) Are there any officials drawing bush allowance in any of these places with unoccupied bungalows? If so, may nothing be done to save that amount of bush allowance?

*Answer:—*

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

(a) Apart from quarters under repair, or temporarily vacated pending the arrival of a relieving officer, the only unoccupied quarters in the places named are as follows:—

At Apapa fourteen quarters have been vacant for periods varying from a few days to over a year. At Ijora one quarter has been vacant for a period of seventeen months. At Ebute Metta twenty-six quarters have been vacant for periods varying from a few days to twenty-one months. Most vacant quarters are in good or fair condition: the Honourable the Administrator of the Colony can supply the Honourable Member with detailed information if he requires it.

(b) No officials are drawing bush allowances in the places named except at Zungeru where there is no unoccupied quarter available.

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

48. Is Government in a position to make a statement of the changes, if any, foreshadowed in the Judicial System of Nigeria consequent on the recommendations of the Colonial Office Legal Adviser following his visit to Nigeria last year?

*Answer:—*

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The Honourable Member is under a misapprehension in thinking that the Legal Adviser of the Colonial Office proceeded to Nigeria last year in order to make recommendations in regard to the judicial or any other system.

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

49. Do Civil Servants pay any interest on loans for the purchase of their motor vehicles? If not, is there any reason why they should not be made to do so, especially as I believe they are made to pay interest on loans in connection with the Government House-Building Scheme?

*Answer:—*

THE HON. THE TREASURER:—

Yes, Sir, with the exception of the Motor Traffic Police.

The second part of the question does not therefore arise.

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

50. To ask whether it would not be practicable for Government to introduce Singing Competitions into schools in Lagos, and other important towns such as Calabar, Abeokuta, Ijebu Ode, etc., with a view to encourage and improve the standard of singing therein?

*Answer:—*

THE HON. THE DIRECTOR OF EDUCATION:—

School Committees will be invited to consider the question.

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

51. (a) What are the duties of a Progress Officer?

(b) When was the post first created and why?

(c) What are the emoluments and allowances attached to the post, and how many such officers are there in the service and in what departments?

*Answer:—*

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

Enquiries have failed to establish the existence of a progress officer.

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

52. Now that the police forces of the Northern and Southern Provinces have been amalgamated, to ask whether the appointment of Africans as Inspectors of Police, which is apparently proving so successful in the Southern Provinces, may not be introduced into the Northern Provinces?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The necessity for the employment of African Inspectors of Police in the Northern Provinces has not arisen. The conditions are of course not comparable with those in the Southern Provinces.

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

53. (a) To ask whether the practice does not still continue, in places like Kano, Jos, and Zaria, for prospective litigants to first take their complaints to the station magistrates, who will eventually adjudicate in the matters complained against, ere writs of summonses can be issued? If so,

(b) Would Government not take the necessary steps to effect the discontinuance of such an obviously undesirable practice?

Answer:—

THE HON. THE SECRETARY, NORTHERN PROVINCES:—

(a) The answer is in the affirmative.

(b) This practice is desirable since it is in the interest of the masses who are thus given opportunities for guidance and advice and may so avoid costly litigation. The practice is of proved value in the Metropolitan Police Magistrate's Courts in London.

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

54. (a) To ask the Honourable the General Manager of the Railway how many first class passengers travelled by the Nigerian Government Railway during the twelve months ended December, 1932? And how many of these were Government officials who travelled on Government or Railway Warrants?

(b) Whether the rate (about fourpence a mile) for first class fare may not be reduced with a view to encourage first class travelling and thereby increase the number of first class passengers and the revenue derivable therefrom?

Answer:—

THE HON. THE ACTING GENERAL MANAGER OF THE RAILWAY:—

(a) 8,288 exclusive of season ticket holders. Statistics giving the number of Government officials and other first class passengers are not kept.

(b) There is no intention to reduce the first class fares, as it is not anticipated there would be any material increase in the number of tickets issued, and the consequent loss of revenue would be considerable.

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

55. (a) To ask the Honourable the General Manager of the Railway for a statement of the number of times the *Boat Express*

travelled (1) from Lagos to the North and (2) from the North to Lagos during the twelve months ended December, 1932?

(b) What was the average number of passengers, and the revenue derived thereby, per trip?

(c) How much of that revenue was due to officials who travelled on Government Warrants, and what was the average cost per trip of that service during the above period?

(d) If the revenue from the running of that express is so small as to make the service a dead loss, or a waste, to ask whether on the grounds of economy arrangements may not be made for passengers who at present travel by the Boat Express to travel by the *Up Limited Service* which leaves Lagos every Monday, Wednesday and Friday and which is, it is said, run on lines as comfortable as those of the Boat Express?

Answer:—

THE HON. THE ACTING GENERAL MANAGER OF THE RAILWAY:—

(a) 26 trips in each direction.

(b) Individual records for each train are not maintained, and therefore the number of passengers or revenue derived cannot be given.

(c) The cost per trip or average cost cannot be quoted as individual train costs are not maintained.

(d) In view of the answers to (b) and (c) the question of profit or loss cannot be answered. The Up and Down Limited Expresses are already fully loaded to engine capacity and no further vehicles can be attached.

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

56. (a) Is it a fact that no African Driver is employed in the Bauhi Light Railway running between Zaria and Jos?

(b) May not a locomotive service of that nature, with an average speed, as alleged, of less than twelve miles an hour be more economically driven by African drivers without any impairment of its present efficiency? And in view of the necessity for the exercise of economy in every department of the Administration,

(c) Would not the Honourable the General Manager of the Railway give this matter his earnest attention?

Answer:—

THE HON. THE ACTING GENERAL MANAGER OF THE RAILWAY:—

(a) The answer is in the affirmative.

(b) The Zaria-Jos section is a difficult one owing to long maximum grades and excessive curvature; a number of trains are not vacuum fitted, and it is necessary in the interest of safety to employ highly skilled drivers.

(c) The matter is receiving attention.

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

57. To ask the Honourable the Director of Medical and Sanitary Service whether an attempt to substitute the Pail System in use in Jos for the Salga System in Kano, Zaria, etc., where wells form the main source of drinking water in the "native locations", is likely to be attended with such hardships as to make the attempt impracticable?

Answer:—

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

The answer is in the negative. The pail system of conservancy is gradually being substituted for the Salga system in the large towns in the Northern Provinces as funds permit.

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

58. To ask whether Government would not consider the amendment of the law (Chapter 131, sections 4 (i), 16, 17, etc.), and the Regulations thereunder, with a view to remove the restrictions against "foreign natives" in the North so as to enable them, if they so desire, to sell wines and spirits on the same conditions and in those areas in which Europeans are allowed to do so?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The reply is in the negative. The Nigerian Government is bound in this matter by Article 4 of the Convention of St. Germain-en-Laye, signed on the 10th September, 1919.

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

59. To ask whether Government would not consider the reintroduction of the Regulations, which were in operation in the Northern Provinces up to about ten or eleven years ago, whereby "foreign natives" were allowed to purchase, if they so desire, wines and spirits in the townships in practically the same way as Europeans and Syrians were, and are still, purchasing them, *i.e.*, without the necessity of first obtaining a medical certificate?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

See Reply to Question No. 58.

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

60. To ask whether Government would consider the granting of the same facilities to African, as are granted to European, Clubs in the Northern Provinces, as regards the sale and consumption of wines and spirits in those areas where wines and spirits are being sold?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

See Reply to Question No. 58.

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

61. To ask for a statement of the cost to the revenue, including court fees, demurrage, etc., of the Ajasa-Kumasi collision? And what departmental action, if any, was taken with respect to an inquiry into the cause of the collision or the findings and recommendations thereof?

Answer:—

THE HON. THE DIRECTOR OF MARINE:—

The question is now under negotiation. In view of the Report of the Supreme Court (Gazette Notice No. 623 in Gazette No. 40 dated 4th August, 1932) no departmental action was taken.

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

62. (a) How many craft belonging to the Marine Department were condemned during the calendar years 1930, 1931 and 1932 respectively,

(b) Are the services, as Experts, of Marine Superintendents from one or other of the local shipping companies ever enlisted as Members of Boards of Survey on Marine Craft condemned as unserviceable? If not, and in view of the number of craft condemned from time to time,

(c) To ask whether it would not be advisable to include independent Marine Superintendents to assist the Board as Experts in arriving at correct findings in such cases?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

(a) 1930. 14.  
1931. 16.  
1932. 15.

(b) The answer is in the negative.

(c) It is not considered to be necessary.

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

63. (a) To ask whether condemned articles, stores or craft, belonging to the Marine Department are ever put up for sale by public auction? If so,

(b) When and where was the last sale held? If not,

(c) Whether in future such a procedure may not be adopted as is the case with other departments of the Administration?

Answer:—

THE HON. THE DIRECTOR OF MARINE:—

(a) Condemned or unserviceable craft and stores are disposed of in accordance with the recommendations of the Board of Survey dealing with them. Surplus or unserviceable stores recommended to be sold by public auction are handed over either to the Customs or Public Works Department for disposal at one of their periodical auction sales.

(b) The last consignment of these stores thus dealt with was handed over to the Public Works Department in January, 1933.

(c) It is considered more economical to continue the present procedure as the above-mentioned departments have regular machinery for dealing with such matters.

THE HON. THE MEMBER REPRESENTING THE NIGER AFRICAN TRADERS (MR. S. C. OBIANWU):—

64. To ask the Honourable the Chief Secretary for Government whether he can lay on the Table of this Council complete statement of what it has cost this Government in transport and other expenses to provide local leaves for Government officials during the periods 1930/31, 1931/32 and from the 1st of April to 31st December 1932?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The statement could only be compiled at the cost of much time and labour for which the reduced staff of the Treasury cannot be made available without delay in public business. From the 25th August, 1931, no cash expenditure has been incurred in respect of Local Leave except in very rare cases which have been the subject of special approval by Government. Officers are compelled to travel by Government transport or pay their own expenses. Prior to that time officers were allowed to incur expenditure to cover the cost of travelling for six days, but the greater part of such travelling was confined to transport by the Railway. The small cash expenditure was largely offset by savings on Duty Pay, Charge Allowances, Transport and Bush Allowances which are not payable on Local Leave.

THE HON. THE MEMBER REPRESENTING THE NIGER AFRICAN TRADERS (MR. S. C. OBIANWU):—

65. Whether in these days of financial stringency, expenditure on these local leaves is justified?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

Local Leave is one of the conditions of service of the large majority of European Officers.

THE HON. THE MEMBER REPRESENTING THE NIGER AFRICAN TRADERS (MR. S. C. OBIANWU):—

66. What it has cost this Government in

(a) Building official quarters,

(b) Furnishing official quarters,

(c) Upkeep of official quarters during the periods 1930/31, 1931/32 and from 1st April to 31st December, 1932?

Answer:—

THE HON. THE DIRECTOR OF PUBLIC WORKS:—

(a) Building Official Quarters.	£
1930-31 ... ..	42,711
1931-32 ... ..	14,078
April-December, 1932 ... ..	555

The above figures include initial furnishing, which averages about six per cent of total cost of quarters.

(b) and (c).

	* Furnishing of Official Quarters.	Upkeep of Official Quarters.
	£	£
1930-31 ... ..	6,599	35,941
1931-32 ... ..	4,951	22,096
April-December, 1932	1,481	16,574

\* Includes upkeep and replacement, and provision of additional articles in old quarters.

THE HON. THE MEMBER REPRESENTING THE NIGER AFRICAN TRADERS (MR. S. C. OBIANWU):—

67. Whether Government does not consider that time has arrived when Government officials should be required to pay rents for Government quarters occupied by them during their stay in Nigeria?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The provision by Government of free furnished quarters is one of the conditions of service of European officials.

THE HON. THE MEMBER REPRESENTING THE NIGER AFRICAN TRADERS (MR. S. C. OBIANWU):—

68. To give a statement of all Government officials whose personal emoluments start from £960 and upwards, the amount of duty pays, seniority pays and or personal allowances attached to each of them?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The Honourable Member is referred to the copy of the Draft Estimates already supplied to him in which the information he desires is set out in detail under the various Heads concerned.

THE HON. THE MEMBER REPRESENTING THE NIGER AFRICAN TRADERS (MR. S. C. OBIANWU):—

69. To give the number of Cadets employed in the Political Administration of this Government during the periods 1930/31, 1931/32 and from 1st April to 31st December, 1932?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

Owing to the fact that Cadets on confirmation become Assistant District Officers it is not practicable to give one total for each of the periods mentioned in the Honourable Member's question. On the 31st of March, 1931, there were 144 Cadets, on the 31st of March, 1932, 140, and on the 31st of December, 1932, 71.

THE HON. THE MEMBER REPRESENTING THE NIGER AFRICAN TRADERS (MR. S. C. OBIANWU):—

70. To state precisely what it has cost this Government in payment of gratuities to retrenched officers up to 31st December, 1932?

Answer:—

THE HON. THE TREASURER:—

£164,757 3s. 3d.: but it should be understood that practically the whole of this sum represents statutory gratuities which would have fallen to have been paid sooner or later in the ordinary course of retirement.

#### RESOLUTIONS.

The Hon. the Chief Secretary to the Government:—

Sir, I rise to move the following resolution:

“Be it resolved: That this Council consents to the Order-in-Council made by the Governor in Council under section 12 of the Customs Tariff Ordinance, 1924 (No. 120 of 1924) on the 6th day of February, 1933, in so far as the said order relates to the Colony and to the Southern Provinces of Nigeria.”

It is unnecessary for me to read the Order-in-Council because Honourable Members have a copy. Their copy is, however, subject to an alteration which I will explain, and which has been rendered necessary by a printer's error. Honourable Members have also a copy of the Order-in-Council made in January last. The alteration which is necessary owing to a printer's error is the deletion of paragraph 1 (3) (f)—real silk piece goods, 25 per cent *ad valorem*, and the substitution of (f) for (g) in paragraph 1 (3) (g)—all other, not elsewhere enumerated, 15 per cent *ad valorem*.

I am sorry to disappoint the Honourable Banking Member by the deletion of the additional duties on real silk goods. The mere fact that the provision has crept into the Order-in-Council through a printer's error is an indication of the serious consideration which was given to the Honourable Member's suggestion at the last

meeting of Council. It is considered that the present 15 per cent *ad valorem* duty on silk is sufficiently high. The fact that silk is expensive means that the duty is heavy, and I am sure that the Honourable Member would not like to see the use of silk abolished in Nigeria.

To return to the Order-in-Council. There is no new principle involved in this Order. It is merely supplementary to the Order to which this Council consented at its last meeting. The specific duties then imposed were an invitation to importers to exercise their ingenuity in order to evade them, and it is necessary, and it will probably be necessary again to come to this Council in order to block up such loop holes as have been suggested to exist. For example it has been suggested that if a collar and two pockets are added to a coloured singlet on which the duty is threepence, it becomes a pullover on which the duty is one penny, on the *ad valorem* basis. This is corrected by the new Order-in-Council, and a minimum duty of sixpence on pullovers is imposed.

Similarly it has been suggested that expensive materials like cashmeres and serges are liable to the same duty under the present Order as the cheapest kinds of woven goods. The opportunity has been taken in the new Order to make it clearer that such an interpretation of the January Order-in-Council is not admitted.

I will describe now the duties in detail:

*Paragraph 1. (1).*—The suggestion of the Honourable Member for Banking has been adopted by the Government and an alternative *ad valorem* duty of 15 per cent has been imposed upon shirts in order to encourage the use of cheap shirts. It is not a measure which will appeal to the Members of this Council.

*Paragraph 1. (2).*—A duty of sixpence or 15 per cent *ad valorem* has been imposed upon pullovers, cardigans, jerseys, bathing costumes and similar articles. This is to make it quite clear that a pullover is not a singlet.

*Paragraph 1. (3).*—The more expensive kinds of material are now specially enumerated in order that it may be quite clear that cashmeres and serges do not fall under piece goods (a) or piece goods (b) in the January Order-in-Council.

This Order-in-Council is designed to prevent a leakage of revenue, not to create new revenue. There is therefore no estimate of the yield from these duties. Sir, I have the honour to move the resolution standing in my name.

**The Hon. the Comptroller of Customs:—**

I beg to second the motion.

**The Hon. the Banking Member (Mr. L. M. Herapath):—**

Your Excellency, if I may, as my name has been mentioned in connexion with the introduction of this Order-in-Council, I should like to thank the Honourable the Chief Secretary to the Government for the compliment he has paid me in giving me to understand that my suggestions at the last meeting of the Council at any rate gave the Government seriously to think.

His Excellency:—

They always do.

**The Hon. the Banking Member (Mr. L. M. Herapath):—**

With regard to the deletion of the duty on real silk, I can assure the Honourable the Chief Secretary that I am neither disappointed nor surprised. If of course the addition of the words in paragraph 1 (1) appear to encourage Honourable Members to wear cheaper shirts I do not altogether agree, because cheaper shirts will probably come from cheaper places, but so long as the revenue of this country gets its ninepence, that is all I have to worry about.

I cannot agree with the deletion of the 25 per cent duty on silk, but I have no strong views about it. It is a matter for the Government, but I do not like to hear it suggested from the remarks of the Honourable the Chief Secretary that I am wholly and solely responsible for the introduction of fresh duties at this time.

*The resolution was adopted.*

**The Hon. the Treasurer:—**

Sir, I beg to move that the resolutions following, down to the one immediately preceding item 11 Bills, be referred to the Finance Committee.

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

I beg to second the motion.

His Excellency:—

I think it is fairer to the Council to be able to take these measures first in Finance Committee where they can ask any questions they like, and then come here prepared and knowing the subject before they are asked to vote upon them.

## BILLS.

### THE MCFARLANE PENSION ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General seconded by the Honourable the Treasurer, a Bill entitled "The McFarlane Pension Ordinance, 1933" was read a first time, and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

### THE WIDOWS' AND ORPHANS' PENSION (AMENDMENT) ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General seconded by the Honourable the Treasurer, a Bill entitled "The Widows' and Orphans' Pension (Amendment) Ordinance, 1933" was read a first time, and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

**THE ORDINANCES AUTHENTICATION (AMENDMENT) ORDINANCE, 1933.**

On the motion of the Honourable the Attorney-General seconded by the Honourable the Deputy Chief Secretary, a Bill entitled "The Ordinances Authentication (Amendment) Ordinance, 1933" was read a first time, and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

**THE REGISTRATION OF UNITED KINGDOM PATENTS (AMENDMENT) ORDINANCE, 1933.**

On the motion of the Honourable the Attorney-General seconded by the Honourable the Comptroller of Customs, a Bill entitled "The Registration of United Kingdom Patents (Amendment) Ordinance, 1933" was read a first time, and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

**THE ANATOMY ORDINANCE, 1933.**

On the motion of the Honourable the Attorney-General seconded by the Honourable the Director of the Medical and Sanitary Service, a Bill entitled "The Anatomy Ordinance, 1933" was read a first time, and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

**THE FORCED LABOUR ORDINANCE, 1933.**

On the motion of the Honourable the Attorney-General seconded by the Honourable Colonel Rowe (Commissioner of Lands), a Bill entitled "The Forced Labour Ordinance, 1933" was read a first time, and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

**THE CINEMATOGRAPH ORDINANCE, 1933.**

On the motion of the Honourable the Attorney-General seconded by the Honourable the Director of Education, a Bill entitled "The Cinematograph Ordinance, 1933" was read a first time, and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

**THE CRIMINAL PROCEDURE (AMENDMENT) ORDINANCE, 1933.**

On the motion of the Honourable the Attorney-General seconded by the Honourable the Acting Secretary, Southern Provinces, a Bill entitled "The Criminal Procedure (Amendment) Ordinance, 1933" was read a first time, and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

**THE IMMIGRATION RESTRICTION (AMENDMENT) ORDINANCE, 1933.**

On the motion of the Honourable the Attorney-General seconded by the Honourable the Director of Public Works, a Bill entitled "The Immigration Restriction (Amendment) Ordinance, 1933"

was read a first time, and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

**THE LAGOS TOWNSHIP (AMENDMENT) ORDINANCE, 1933.**

On the motion of the Honourable the Attorney-General seconded by the Honourable the Acting Administrator of the Colony, a Bill entitled "The Lagos Township (Amendment) Ordinance, 1933" was read a first time, and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

**THE TOBACCO AND CIGARETTES EXCISE DUTIES ORDINANCE, 1933.**

On the motion of the Honourable the Attorney-General seconded by the Honourable the Director of Agriculture, a Bill entitled "The Tobacco and Cigarettes Excise Duties Ordinance, 1933" was read a first time, and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

**THE TOWNSHIPS (AMENDMENT) ORDINANCE, 1933.**

On the motion of the Honourable the Attorney-General seconded by the Honourable the Acting Administrator of the Colony, a Bill entitled "The Townships (Amendment) Ordinance, 1933" was read a first time, and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

**THE LIQUOR (AMENDMENT) ORDINANCE, 1933.**

On the motion of the Honourable the Attorney-General seconded by the Honourable the Secretary, Northern Provinces, a Bill entitled "The Liquor (Amendment) Ordinance, 1933" was read a first time, and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

**THE CUSTOMS TARIFF (AMENDMENT) ORDINANCE, 1933.**

On the motion of the Honourable the Attorney-General seconded by the Honourable the Comptroller of Customs, a Bill entitled "The Customs Tariff (Amendment) Ordinance, 1933" was read a first time, and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

**THE MEDICAL PRACTITIONERS AND DENTISTS (AMENDMENT) ORDINANCE, 1933.**

On the motion of the Honourable the Attorney-General seconded by the Honourable the Director of the Medical and Sanitary Service, a Bill entitled "The Medical Practitioners and Dentists (Amendment) Ordinance, 1933" was read a first time, and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

**THE LABOUR (AMENDMENT) ORDINANCE, 1933.**

On the motion of the Honourable the Attorney-General seconded by the Honourable the Director of Marine, a Bill entitled "The Labour (Amendment) Ordinance, 1933" was read a first time, and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

**THE RAILWAY PROVIDENT FUND (AMENDMENT) ORDINANCE, 1933.**

On the motion of the Honourable the Attorney-General seconded by the Honourable the Acting General Manager of the Railway, a Bill entitled "The Railway Provident Fund (Amendment) Ordinance, 1933" was read a first time, and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

**THE PUBLIC OFFICERS' GUARANTEE FUND (AMENDMENT) ORDINANCE, 1933.**

On the motion of the Honourable the Attorney-General seconded by the Honourable the Treasurer, a Bill entitled "The Public Officers' Guarantee Fund (Amendment) Ordinance, 1933" was read a first time, and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

**THE FOLDED WOVEN GOODS (AMENDMENT) ORDINANCE, 1933.**

On the motion of the Honourable the Attorney-General seconded by the Honourable the Comptroller of Customs, a Bill entitled "The Folded Woven Goods (Amendment) Ordinance, 1933" was read a first time, and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

**THE PRINTING PRESSES REGULATION ORDINANCE, 1933.**

On the motion of the Honourable the Attorney-General seconded by the Honourable the Senior Resident, Ilorin Province, a Bill entitled "The Printing Presses Regulation Ordinance, 1933" was read a first time, and the Honourable the Attorney-General gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

**THE 1931-32 SUPPLEMENTARY SUPPLY ORDINANCE, 1933.**

On the motion of the Honourable the Treasurer, seconded by the Honourable the Deputy Chief Secretary, a Bill entitled "The 1931-32 Supplementary Supply Ordinance, 1933" was read a first time, and the Honourable the Treasurer gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

**THE 1933-34 SUPPLY ORDINANCE, 1933.**

On the motion of the Honourable the Chief Secretary to the Government seconded by the Honourable the Treasurer, a Bill entitled "The 1933-34 Supply Ordinance, 1933" was read a first

time, and the Honourable the Chief Secretary to the Government gave notice that the second reading of the Bill would be moved at a subsequent meeting of the Council.

MOTION.

On the motion of the Honourable the Chief Secretary to the Government, seconded by the Honourable the Treasurer, the following motion was carried unanimously:—

That the Estimates for 1933-34, which were laid on the table to-day be referred to the Standing Committee of Finance.

*The Council adjourned at 10.40 a.m., sine die.*

DEBATES  
IN THE  
LEGISLATIVE COUNCIL  
OF  
NIGERIA

Wednesday, 8th March, 1933.

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Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 10 A.M. on Wednesday the 8th March 1933.

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PRESENT.

OFFICIAL MEMBERS.

- The Governor,  
His Excellency Sir Donald Cameron, G.C.M.G., K.B.E.
- The Chief Secretary to the Government,  
The Honourable Mr. G. Hemmant, C.M.G.
- The Lieutenant-Governor, Southern Provinces,  
His Honour, Captain W. Buchanan Smith, C.M.G., M.C.
- The Attorney-General,  
The Honourable Mr. A. C. V. Prior.
- The Treasurer,  
The Honourable Mr. C. W. Leese, C.M.G.
- The Director of Medical and Sanitary Service,  
The Honourable Dr. W. B. Johnson, C.M.G.
- The Honourable Mr. E. R. J. Hussey,  
Director of Education.
- The Director of Marine,  
The Honourable Capt. L. J. Hall, O.B.E., R.D., R.N.R.
- The Comptroller of Customs,  
The Honourable Mr. E. C. F. Bird.
- The Secretary, Northern Provinces,  
The Honourable Mr. G. J. Lethem.

- The Deputy Chief Secretary,  
The Honourable Mr. A. C. M. Burns, C.M.G.
- The Acting Administrator of the Colony,  
The Honourable Mr. E. M. Falk.
- The Senior Resident, Iorin Province,  
The Honourable H. B. Hermon-Hodge.
- The Senior Resident, Owerri Province,  
The Honourable Mr. O. W. Firth.
- The Acting Secretary, Southern Provinces,  
The Honourable Mr. G. G. Shute.
- The Acting General Manager of the Railway,  
The Honourable Mr. W. Cramer Bostock.
- The Director of Public Works,  
The Honourable Mr. C. L. Cox.
- The Director of Agriculture,  
The Honourable Mr. O. T. Faulkner, C.M.G.
- The Honourable Lt.-Col. R. H. Rowe, D.S.O., M.C.  
Commissioner of Lands.
- The Honourable Mr. C. W. Duncan, C.B.E. (Provisional),  
Inspector-General of Police.

## UNOFFICIAL MEMBERS.

- The First Lagos Member,  
The Honourable Dr. C. C. Adeniyi-Jones.
- The Member for the Colony Division,  
The Honourable Sir Kitoyi Ajasa, Kt., O.B.E.
- The Second Lagos Member,  
The Honourable Mr. E. O. Moore.
- The Member Representing the Niger African Traders,  
The Honourable Mr. S. C. Obianwu.
- The Commercial Member for Calabar,  
The Honourable Mr. G. Graham Paul.
- The Member for the Egba Division,  
The Honourable Mr. S. H. Pearse.
- The Member for the Rivers Division,  
The Honourable Mr. Mark Pepple Jaja.
- The Commercial Member for Lagos,  
The Honourable Mr. R. F. Irving.
- The Member for the Warri-Benin Division,  
The Honourable Mr. I. T. Palmer.

- \* The Member for Calabar,  
The Honourable Mr. C. W. Clinton.
- The Third Lagos Member,  
The Honourable Mr. T. A. Doherty.
- The Banking Member,  
The Honourable Mr. L. M. Herapath.
- The Commercial Member for Kano,  
The Honourable Mr. T. Hepburn.
- The Member for the Ibo Division,  
The Venerable Archdeacon G. T. Basden.
- The Commercial Member for Port Harcourt,  
The Honourable Mr. P. H. Davey.
- The Member for Shipping (Provisional),  
The Honourable Mr. T. Whitfield, O.B.E.
- The Mining Member (Provisional),  
The Honourable Mr. J. D. Young.
- \* Absent from the morning meeting of the Council.

#### ABSENT.

- The Acting Lieutenant-Governor, Northern Provinces,  
His Honour Mr. G. S. Browne, C.M.G.
- The Commandant,  
The Honourable Colonel W. R. Meredith, D.S.O.
- The Senior Resident, Plateau Province,  
The Honourable Mr. H. H. Middleton.
- The Senior Resident, Kano Province,  
The Honourable Mr. H. O. Lindsell.
- The Senior Resident, Calabar Province,  
The Honourable Mr. G. H. Findlay.
- The Resident, Niger Province,  
The Honourable Mr. H. F. Backwell.
- The Resident, Bornu Province,  
The Honourable Mr. P. de Putron.
- The Resident, Kabba Province,  
The Honourable Mr. H. B. James.
- The Resident, Warri Province,  
The Honourable Mr. J. W. C. Rutherford.
- The Resident, Benue Province,  
The Honourable Mr. E. S. Pembleton.
- The Member for the Oyo Division,  
The Honourable Mr. A. S. Agbaje.

## PRAYERS.

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

The Minutes of the meeting held on the 6th March, 1933, having been printed and circulated to Honourable Members were taken as read and confirmed.

## QUESTIONS.

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

1. (a) To ask the Honourable the Administrator of the Colony (Acting) for a statement of the actual quantity and value of petrol (1) lost, and (2) charged to waste, in the Lagos Town Council during each of the calendar years 1931 and 1932?

(b) What is the cause of the loss, or leakage?

(c) If leakage, in what receptacle is the petrol of that department kept?

(d) What was the difficulty in the way of stopping the leakage? And

(e) What steps have been taken to remedy that difficulty?

(f) If loss, on whom has responsibility been fixed? And

(g) What action has the department taken in the matter?

Answer:—

THE HON. THE ACTING ADMINISTRATOR OF THE COLONY:—

(a) A deficit of 79½ gallons of petrol was discovered by the Board of Survey held on the Stores of the Lagos Town Council on the 4th January, 1932. This was attributed to ullage and evaporation. After enquiry, this explanation was accepted and the value amounting to £8 14s. 9d. was written off. There was no loss of petrol in the year 1932.

(b) to (g) are either answered by the reply to (a) or do not arise.

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

2. (a) Will the Lieutenant-Governor, Northern Provinces, kindly state whether it is true that one Victor Eluaka, a native of Asaba and a tailor by trade, was flogged in the open market at Bukuru in the Plateau Province by order of an Administrative Officer because he (Eluaka), failed to pay his tax in time? If so,

(b) Who was the Administrative Officer who ordered the flogging?

(c) Under what law of the Protectorate was the flogging ordered?

(d) What was the amount owing?

(e) How long at the time of flogging was payment overdue?

(f) Is the Administrative Officer still in Nigeria?

(g) What was his explanation for ordering the flogging?

Answer:—

THE HON. THE SECRETARY, NORTHERN PROVINCES:—

Your Excellency has been informed that the flogging was inflicted, not by the order of an Administrative Officer, but by the order of the Alkali at Bukuru, and Your Excellency has directed that further close enquiry shall be made into the case.

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

3. (a) Referring to the recommendation of Lieutenant-Colonel Hammond in his Report on the Railway System of Nigeria in 1924, under paragraph 235, page 151, to ask the Honourable the General Manager of the Railway (1) how many Africans have been trained for the Mechanical, the Engineering, the Traffic, and the Clerical Branches, respectively, of the Railway Department in the Northern Provinces, and (2) how many have been trained as Engine Drivers and Platelayers, in the Locomotive and Engineering Branches in the Southern Provinces?

(b) How many Africans of (1) and (2) above are in training at the present time?

Answer:—

THE HON. THE ACTING GENERAL MANAGER OF THE RAILWAY:—

(a) (1) *Mechanical*.—As there are no workshops in the Northern Provinces, African mechanics are trained at Ebute Metta and Enugu.

*Engineering*.—Three Platelayers.

*Transportation*.—

*Drivers*.—There is no school for training drivers in the North, all drivers are trained at the Ebute Metta school.

*Station Staff*.—39 in various grades.

*Clerical*.—The clerical staff are recruited in accordance with General Service Orders, there is no special training other than that given in departmental offices.

(2) Engine Drivers—50.

Platelayers—4.

(b) (1) In the Northern Provinces:—

Station Staff—4.

(2) In the Southern Provinces:—

Engine Drivers ... 24

Station Staff ... 20

Platelayers ... 8

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

4. (a) How many of the 39 apprentices who were being trained at the beginning of the year 1924 have completed their training?

(b) How many of these have been employed by the Railway Department? And

(c) How many are in the service of the Railway Department at present?

Answer:—

THE HON. THE ACTING GENERAL MANAGER OF THE RAILWAY:—

Complete records of training and employment after completion of training were not maintained prior to the assumption of duty of the present Chief Mechanical Engineer and it is therefore regretted that the Honourable Member's question cannot be answered fully. Thirteen of the thirty-nine apprentices are now known to be employed in the railway workshops.

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

5. (a) Were the 12 Scholarships referred to in paragraph 74, page 46, of Lieutenant-Colonel Hammond's Report awarded for the training of native staff in the Locomotive Branch of the Railway? If so,

(b) Will the Honourable the General Manager kindly give results of the Scholarships, and state whether the successful candidates were apprenticed and how many are now employed under the Railway Department?

Answer:—

THE HON. THE ACTING GENERAL MANAGER OF THE RAILWAY:—

(a) The Honourable Member is referred to the reply to Question 52 at the tenth Session of the Legislative Council held during February, 1932.

(b) Of the nine scholarship apprentices still under indenture at the date of the reply quoted seven are employed in the Workshop and the remaining two have not completed their apprenticeship.

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

6. (a) To ask the Honourable the General Manager what steps have been taken since 1924 upon the recommendations made by Lieutenant-Colonel Hammond with reference to the Running Staff, under paragraph 52, pages 32 and 33 of the Colonel's Report, to obtain a saving of £20,000 and £25,000 a year on the cost of the establishment of European Drivers? And

(b) With what results?

Answer:—

THE HON. THE ACTING GENERAL MANAGER OF THE RAILWAY:—

The number of European drivers is ten per cent less than in 1924 with an increase of seventy per cent in the route mileage so that a large saving has been effected.

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

7. (a) Have there been any Railway collisions in connection with Passenger Traffic, Goods Traffic, and whilst shunting, during the last three calendar years? If so,

(b) How many collisions have there been?

(c) What has been the cause of the collision, the cost of the damage, and on whom has responsibility been fixed, in each case?

Answer:—

THE HON. THE ACTING GENERAL MANAGER OF THE RAILWAY:—

(a) Yes, Sir.

(b) Five, all goods trains.

(c) 1—Driver leaving station without staff.

2—Drivers losing control of train entering stations.

2—Drivers admitted on to lines which were not clear, and within station limits.

Enquiries were held in each case and the staff at fault were punished. It is not possible to give costs of repairing damage due to accidents.

These figures refer to major accidents only.

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

8. (a) How much was spent up to December 31, 1932 on, what was the position then of, the Warri-Sapele Road under construction, and what is the position now?

(b) Who was the woman employed sometime ago as contractor on that work? What experience has she of that class of work? What was the total amount drawn by her from public funds in respect of her services? And why was she employed at all?

Answer:—

THE HON. THE DIRECTOR OF PUBLIC WORKS:—

					£	s.	d.
(a)	1928-29	...	...	...	8,796	11	7
	1929-30	...	...	...	8,664	19	7
	1930-31	...	...	...	3,279	15	9
	Total	...	...	...	£20,741	6	11

The approved reconstruction work has been completed. Further improvement is being effected by normal maintenance methods. The road was kept open throughout the last rainy season, and there are now no seasonal traffic restrictions.

(b) Mrs. Alero Egbe. She was employed as a contractor for the construction of mud houses for road-camps and for the transport of stone, and is sufficiently experienced to do such work efficiently. The total amount drawn by her in respect of her services was £238 15s. 0d. She is known locally as a reliable contractor.

THE HON. THE SECOND LAGOS MEMBER (MR. E. O. MOORE):—

9. (a) Whether the attention of the Honourable the learned Attorney-General has been invited to the concluding portion of His Honour Mr. Justice Webber's recent judgment on an interlocutory motion *re Rex versus Akerele* wherein the learned Judge laid it

down that an accused person, under the existing law in Nigeria, has no choice between being tried summarily on a charge, however grave, by the Magistrate and having his case committed for trial on an information?

(b) As this is a matter which vitally affects the right of an accused person whether the Attorney-General will not make such a provision in the Criminal Procedure (Amendment) published for the 1st time in the *Nigeria Gazette* of the 23rd of February, 1933, so as to give an accused person such a choice thereby bringing it into line with the practice which obtains in England?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The case to which the Honourable Member's question refers is still *sub judice*.

THE HON. THE SECOND LAGOS MEMBER (MR. E. O. MOORE):—

10. (a) Whether the intention of the Nigerian Railway Management to fence in all Railway lands adjoining Suru Lere Village by the end of June next, thereby practically cutting off all houses erected near the Railway Siding, has received the approval of Government?

(b) If so whether Government will not take such necessary step by the construction of proper roads so as to prevent great inconvenience and hardship which such "cutting off" is bound to cause to the residents of Suru Lere, who for the past several years have enjoyed unimpeded ingress and egress?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

(a) It is the intention of the Railway to fence in Railway lands adjoining Suru Lere on or after the 30th of June, 1933, in order to prevent trespass and avoid accidents. The matter has not yet been formally referred to Government.

(b) The matter will receive the attention of Government.

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

11. To ask whether the attention of Government has been drawn to the repeated attacks in *The Lagos Daily News* on Mr. Henry Carr, late Resident of the Colony, and particularly to those contained in the issues of December 1st, 1932, and February 10th, 1933?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The answer is in the affirmative.

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

12. To ask whether in the opinion of Government Mr. Carr misused in any way his official position as Resident of the Colony

in his dealings with the late Prince Eshughbayi, and whether, as alleged in the paper quoted, he wilfully misinterpreted certain statements and misled the Government?

*Answer:—*

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

No, Sir. In all his dealings with Eshughbayi Mr. Carr acted on the personal instructions of and with the full approval of the then Governor and there is no foundation whatever for the suggestion that he misused his official position, misinterpreted any statements, or in any way misled the Government.

### RESOLUTIONS.

The Hon. the Chief Secretary to the Government:—

Sir, I rise to move the following resolution:—

“ Be it resolved: That this Council consents to the Order-  
 “ in-Council made by the Governor in Council under  
 “ section 12 of the Customs Tariff Ordinance, 1924  
 “ (No. 20 of 1924) on the 7th day of March, 1933, in  
 “ so far as the said Order relates to the Colony and to  
 “ the Southern Provinces of Nigeria.”

A copy of the Order is in front of each Honourable Member. It is supplementary to the January Order-in-Council and to the Order to which this Council consented on Monday. “Fents” I am informed are odds and ends, bits and pieces of cloth. They may be triangular, they may be circular. They are subject to specific duties of  $\frac{3}{4}$ d.,  $1\frac{1}{4}$ d., 3d., 4d. and various odd sums per square yard. It is obviously not possible to measure these odds and ends to find out their exact areas and then calculate the necessary eighths of a penny that ought to be paid, particularly so when it is realised that fents are imported in bales. Equally obviously it is not fair to the Government that the flat 15 per cent *ad valorem* rate should be imposed upon fents because that would be inviting importers of cloth on which say  $\frac{3}{4}$ d. is due, to cut this cloth into five yard strips and import it as fents, and pay say  $\frac{1}{4}$ d. instead of  $\frac{3}{4}$ d. There was no appreciable trade in fents last year, and there has not really been any appreciable trade this year, but it is thought to be wise to remove the temptation from importers. A duty of sixpence per pound is therefore imposed on fents. Sir, I beg to move the resolution standing in my name.

The Hon. the Comptroller of Customs:—

I beg to second the motion.

*The resolution was adopted.*

The Hon. the Acting Secretary, Southern Provinces:—

Sir, I rise to move the following resolution:—

“ Be it resolved: That this Council consents to the grant  
 “ of the sum of £25,000 from loan funds towards the  
 “ cost of the Waterworks Scheme for Abeokuta City.”

Honourable Members are aware that a sum of £500,000 was appropriated in the Loan Ordinance of 1929 for the purpose of waterworks schemes. Details of the schemes will be found set out in the Appendix to Estimates, 1933-34 on the last page of the Draft Estimates. Your Excellency desires that the schemes prepared shall be laid on the table of this Council for the information and approval of Honourable Members.

In the present case, that of Abeokuta, the information was given in the form of Sessional Paper No. 14 of 1932 which was laid on the table in June last year, but no formal resolution was taken at that time. It will be seen by reference to that Sessional Paper that the Waterworks Scheme was adopted in preference to the combined Water and Electricity Scheme. This combined scheme has been under discussion ever since, but those discussions have not yet reached the stage at which concrete proposals can be submitted. There are considerable difficulties in the way of financing a scheme of such magnitude. On the other hand the waterworks scheme is within the resources of the people and the Native Administration of Abeokuta, and it is now proposed to proceed with the waterworks scheme independently of the electricity scheme. Honourable Members are asked to consent to the grant of £25,000 from Loan Funds for this purpose. There is no doubt that the scheme will be of great benefit to the people of Abeokuta.

The Hon. the Member for the Egba Division (Mr. S. H. Pearse):—

I rise to second the motion.

*The resolution was adopted.*

The Hon. the Director of Public Works:—

Sir, I rise to move the following resolution:—

- “ Be it resolved: That this Council consents to the grant  
 “ of the sum of £10,515 from loan funds towards the  
 “ cost of improvements in the Lagos and Enugu  
 “ Electricity Scheme.”

Of the total amount concerned, Sir, £5,435 is to be devoted to Lagos. £3,295 of this is for the purpose of completing the third high tension underground cable, with the necessary additional switch boards. The section of this cable over Carter Bridge and its approaches was laid when the bridge was built and it is now desired to connect the one end to the Power Station at Ijora and the other to Ajele Square sub-station. The position is that neither of the two existing cables is capable of dealing with the present load and in the event of a breakdown in one of them it would be necessary to limit lighting supplies and control very strictly power supplies. Having regard to the age of these cables, to the condition of the ground in which they are laid and to the possibility of delay in effecting repairs—parts of the cables are now deeply buried under the reclaimed land—it is no longer considered desirable to take the risk, nor is it fair to consumers to take the risk, of the disorganisation which might be entailed by a breakdown.

A sum of £1,440 is required for extensions to the low tension distribution system to serve new consumers, and £700 for improvements to the system to meet the increasing loads. Eleven hundred new consumers were connected to the system in 1932, the total number at the end of the year being 3,549. It is estimated that 950 additional consumers will be connected in 1933-34.

The domestic consumption on the penny rate, that is to say the consumption over and above the normal lighting load, rose from 631,000 units in 1931 to 861,000 units in 1932, a rise of 37.8 per cent. The estimate for 1933-34 is 1,150,000 units, a further rise of 33 per cent. The total number of units generated in Lagos was about four millions in 1931, five millions in 1932 (an increase of 250,000 over the estimate) and is estimated to be about five and a half millions in 1933-34. With regard to revenue, this was down by £2,000 in 1931-32 due to the substantial reduction in charges for current. The revenue this year is expected to rise by very nearly £7,000, and it is anticipated that there will be a further rise next year, on a comparable basis, of another £3,000, bringing the total revenue to £60,011 for the next financial year. As we collected £5,218 7s. 3d. in the month of January it seems very probable that our very conservative estimates will again be exceeded.

I should add that notwithstanding the rises in consumption and revenue the running costs expenditure for the next year is estimated at £460 less than in 1932 and £31 less than in 1931, so that the increase of revenue which is derived from the undertaking may, subject to some adjustment, be regarded as additional net profit.

**The Hon. the Administrator of the Colony:—**

I beg to second the motion.

*The resolution was carried unanimously.*

**The Hon. the Director of Public Works:—**

Sir, I rise to move the following resolution:—

“Be it resolved: That this Council consents to the  
 “appropriation of £5,000 from the unappropriated  
 “balance of £5,216 remaining in the 1923-27 Loans  
 “to be spent on the erection of five public tank  
 “latrines in Lagos.”

Following, Sir, the decision to defer the construction of the Lagos sewerage scheme, consideration was given to other methods of improving sanitation in Lagos, and authority was obtained to erect at Ebute Ero, near the Lagos end of Carter Bridge, a special type of public latrine. This building is of a type which has been much used in India in places where a sewerage scheme is not available, and is similar in principle to the buildings which have been used for some years now at the Marine Dockyard, Apapa, and at Iddo. It comprises an ordinary 18 seat latrine, adapted to local requirements and worked in conjunction with a tank in which the discharge from the latrine is broken down and partially purified. The building supersedes an old

bucket latrine from which 45 buckets were removed every night; it has been in operation since last August and has proved satisfactory and popular. The discharge from the latrine is taken through a pipe into the lagoon, and so far, there is no sign of it, visible or otherwise.

As a result of this experiment consideration was given to the matter and it is now thought that suitable sites may be found for some eighteen additional latrines of the same type. The provision of these latrines would enable nearly all the insanitary bucket latrines on Lagos Island to be done away with, and would reduce by nearly one half the number of buckets to be removed by the Sanitary Tramway. Consent is now asked to make provision for the erection of five of these new buildings. I would add that owing to the reduction of buckets to be removed there will be a considerable saving in conservancy collection and disposal costs.

I beg to move the resolution standing in my name.

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

I beg to second the motion.

**The Hon. the Third Lagos Member (Mr. T. A. Doherty):—**

May I ask, Sir, whether there will be any difference in the construction of the proposed new latrines from the one which the Honourable Director of Public Works has described at Ebute Ero?

**The Hon. the Director of Public Works:—**

It is not possible to say that the buildings will be of the exact size and type of the one already erected, as we shall have to fit them in taking into consideration the peculiarities of the sites, but the principle in all cases will remain the same.

**The Hon. the Third Lagos Member (Mr. T. A. Doherty):—**

People complain, Sir, that there is not sufficient privacy: the Honourable Director of Public Works will know exactly what I mean.

**His Excellency:—**

That will be considered.

**The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul):—**

I should like to know, Sir, having regard to the peculiarly municipal character of this popular building to what extent, if any, the Lagos Town Council are to contribute to the interest on the loan, or in any other way contribute towards the grant which we are now asked to make from the Loan Fund.

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

I understand that they will pay the complete cost of upkeep but will not contribute interest. The Honourable Member has doubtless observed that the sum involved is not a very large one.

*The resolution was carried unanimously.*

**The Hon. the Treasurer:—**

Sir, I beg to report the six resolutions standing in my name on pages 2, 3, 4 and 5 of the Order of the Day. They have been submitted to the Select Committee who recommend them for approval by this Council. I will now proceed to move them one by one.

Sir, I move the following resolution:—

“ Be it resolved: That this Council approves the sum of  
 “ £4,279 ls. 4d. in respect of the amount of *ex-gratia*  
 “ and compassionate gratuities awarded to non-  
 “ pensionable employees and to dependents of  
 “ non-pensionable employees during the period from  
 “ 30th of June, 1932, to date for long and faithful  
 “ service as set out in the following schedule.”

## SCHEDULE.

Name.	Service.	Amount of Gratuity.		
		£	s.	d.
Widow of the late Mr. T. H. McIsack	Compassionate gratuity awarded in respect of the late Mr. McIsack's 3 years service as Bridge Construction Engineer, Carter Bridge.	400	0	0
Widow of the late Mr. F. R. J. Money	Compassionate gratuity awarded in respect of the late Mr. Money's 3½ years' service as Sanitary Inspector.	200	0	0
F. D. Bellow ...	10 years' service as Accountant and Storekeeper, Carter Bridge Construction.	385	0	0
C. Mc. Thornhill	11 years' service as District Engineer, Railway Capital Works.	561	0	0
Relatives of Con- vict No. D. 475 Oyeku	Compassionate gratuity awarded in respect of Oyeku's death at Degema as a result of injuries sustained while employed on prison labour.	10	0	0
Estate of the late Mr. F. C. Nwokoye	14 years' service as Unqualified Interpreter, Provincial Administration, Southern Provinces.	50	0	0
M. Zaberma ...	23 years' service as Messenger, Provincial Administration, Northern Provinces.	36	0	0
Kaura ... ..	26 years' service as Messenger, Provincial Administration, Northern Provinces.	42	0	0
	Carried forward ... ..	1,684	0	0

## SCHEDULE—continued.

Name.	Service.	Amount of Gratuity		
		£	s.	d.
	Brought forward ... ..	1,684	0	0
Babelli ... ..	20 years' Service as Messenger, Provincial Administration, Northern Provinces.	36	0	0
N. Suberu ... ..	26 years' service as Messenger, Posts and Telegraphs Depart- ment.	10	0	0
A. Lassi ... ..	18 years' service as Carpenter, Public Works Department.	25	0	0
A. Bauchi ... ..	30 years' service as Sanitary Labourer, Medical Department.	20	0	0
A. Januario ... ..	22 years' service as Bricklayer, Marine Department.	50	0	0
A. Dede ... ..	21 years' service as Artificer, Marine Department.	80	0	0
A. O. King ... ..	22 years' service as Artificer, Marine Department.	112	0	0
A. C. Bell ... ..	22 years' service as Artificer, Marine Department.	120	0	0
A. H. Kemmer ... ..	25 years' service as Driver, Grade III, Marine Department.	80	0	0
I. Shadow ... ..	21 years' service as Provisional Teacher, Education Department.	78	0	0
L. O. Dawodu ... ..	20 years' service as Motor Driver, Public Works Department.	50	0	0
E. Ibiyomi ... ..	31 years' service as Carpenter, Public Works Department.	60	0	0
S. Cole ... ..	34 years' service as Carpenter, Public Works Department.	36	0	0
A. Bassey ... ..	23 years' service as Driver, Grade III, Marine Department.	80	0	0
Okeah ... ..	20 years' service as Master, Grade III, Marine Department.	70	0	0
O. Aboh ... ..	20 years' service as Quartermaster, Marine Department.	60	0	0
Bottle Beer ... ..	19 years' service as Quartermaster, Marine Department.	62	14	0
Yakubu ... ..	24 years' service as Boatswain, Grade II, Marine Department.	60	0	0
F. Joe I ... ..	26 years' service as Boatswain, Grade II, Marine Department.	78	0	0
	Carried forward ... ..	2,851	14	0

## SCHEDULE - continued.

Name.	Service.	Amount of Gratuity.		
		£	s.	d.
	Brought forward ... ..	2,851	14	0
J. Alexander ...	18 years' service as Driver, Grade III, Marine Department.	60	0	0
Tom ... ..	25 years' service as Master, Grade III, Marine Department.	80	0	0
Adama ... ..	21 years' service as Quartermaster, Marine Department.	54	0	0
I. Kabba ... ..	22 years' service as Quartermaster, Marine Department.	54	0	0
Okoro II ... ..	21 years' service as Quartermaster, Marine Department.	66	0	0
J. O. Ossai ...	18 years' service as 3rd Class Master, Marine Department.	79	0	0
J. Akanga ...	18 years' service as Quartermaster, Marine Department.	54	0	0
A. K. Gbolasere ...	18 years' service as Carpenter, Secretariat, Southern Provinces.	16	10	0
M. Zaria ... ..	21 years' service as Messenger, Secretariat, Northern Provinces.	33	12	0
J. A. Dixon ...	7 years' service as 3rd Class Laboratory Assistant, Medical Department.	25	0	0
D. Kutɔfa ...	15 years' service as Interpreter ...	15	0	0
M. O. Nduba ...	8 years' service as Assistant Record Keeper, Survey Department.	38	0	0
O. A. O. Effiwat	4½ years' service as Probationer Clerk, Medical Department.	25	0	0
T. J. C. Mettle ...	6½ years' service as 2nd Class Clerk, Forestry Department.	95	0	0
Alabi ... ..	21 years' service as Messenger, Provincial Administration, Northern Provinces.	51	0	0
Isa ... ..	22 years' service as Messenger, Provincial Administration, Northern Provinces.	67	4	0
J. Sangoe ... ..	26 years' service as Fireman, Public Works Department.	12	3	4
	Carried forward ... ..	3,677	3	4

## SCHEDULE—continued.

Name.	Service.	Amount of Gratuity.		
		£	s.	d.
	Brought forward ... ..	3,677	3	4
T. Odey ... ..	5 years' service as Unqualified Interpreter, Provincial Administration, Southern Provinces.	5	10	0
S. Sunmonu ... ..	17 years' service as Blacksmith, Marine Department.	44	0	0
T. B. Vintura ... ..	21 years' service as Artisan, Public Works Department.	48	0	0
J. Tommy ... ..	16 years' service as Artisan, Public Works Department.	38	8	0
G. Marmah ... ..	21 years' service as Fitter, Marine Department.	75	0	0
S. Alao ... ..	14 years' service as Engine Driver, Public Works Department.	57	12	0
Gibbo ... ..	10 years' service as Cook, Medical Department.	14	8	0
R. Annang ... ..	22 years' service as Artificer, Marine Department.	85	0	0
Jia III ... ..	23 years' service as Quartermaster, Marine Department.	33	0	0
G. D. Amartey ... ..	21 years' service as Blacksmith, Marine Department.	56	0	0
A. Pearce ... ..	25 years' service as Carpenter, Marine Department.	56	0	0
J. A. Stevens ... ..	22 years' service as Blacksmith, Marine Department.	56	0	0
Woru ... ..	22 years' service as Messenger, Nigerian Railway.	33	0	0
	Total	£ 4,279	1	4

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

I beg to second the motion.

*The resolution was carried unanimously.*

The Hon. the Treasurer:—

Sir, I rise to move the following resolution:—

“ Be it resolved: That this Council approves the sum of  
 “ £1,461 6s. 8d. in respect of extra statutory gratuities

“ awarded to unconfirmed officers who have been  
“ retrenched as set out in the following schedule.”

## SCHEDULE.

Name.	Office.	Date of retirement.	Amount.			Period of service.		
			£	s.	d.	Years	months	days
G. Gordon ...	Electrical Repair Artisan, Railway.	9th June, 1932	277	13	4	3	7	2
W. E. Hawkins	Shop Chargeman, Nigerian Railway.	1st July, 1932	541	13	4	6	8	17
F. W. Brooks	Superintendent of Police.	19th Sept., 1932	118	0	0	1	9	16
F. T. J. Burley	Telegraph Inspector, Grade II, Posts and Telegraphs.	16th Feb., 1933	289	6	8	3	7	13
Total ...			£1,226	13	4			
J. Oshin Euba	2nd Class Clerk, Lands	1st Aug., 1931	42	0	0	3	9	28
J. O. Esogbon	Surveyor, Public Works Department.	15th May, 1932	56	0	0	3	9	14
E. O. Farmer	2nd Class Clerk, Marine	2nd Dec., 1932	30	0	0	3	—	—
G. H. Taylor	" " "	12th Jan., 1933	106	13	4	5	—	19
Total ...			£234	13	4			
SUMMARY OF GRATUITIES.			£	s.	d.			
Europeans ... ..			1,226	13	4			
Africans ... ..			234	13	4			
Grand Total ...			£1,461	6	8			

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

I beg to second the motion.

*The resolution was carried unanimously.*

The Hon. the Treasurer:—

Sir, I rise to move the following resolution:—

“ Be it resolved: That this Council approves the payment  
“ of the sums of £1,443 9s. 4d. *per annum* and £2,670  
“ being the totals respectively of the pensions and  
“ gratuities awarded to the retrenched officers whose  
“ names are set out in the schedule below and who have  
“ been granted a pension under the provisions of  
“ Regulation 1 or a reduced pension and gratuity under  
“ the provisions of Regulation 20 of the First Schedule  
“ to the European Officers' Pensions Ordinance although

“ they had elected to receive a reduced pension and  
 “ gratuity under the provisions of Regulation 20B of  
 “ that Ordinance.”

Name.	Office held.	Date of retirement.	Amount of pension.			Gratuity.
			£	s.	d.	
Capt. A. J. P. Mateer	Commissioner of Police, 2nd Grade.	1/4/32	268	9	8	£ 890
W. H. S. Curryer ...	Superintendent of Education.	23/4/32	213	18	4	850
E. T. Price ...	District Officer, Provin- cial Administration, S.P.	6/5/32	547	13	4	—
G. P. Wilkinson ...	District Officer, Provin- cial Administration, N.P.	5/8/32	275	18	0	930
D. F. Cary ...	Assistant District Offi- cer, N.P.	1/1/33	137	10	0	—
			£	1,443	9 4	2,670

The Hon. the Deputy Chief Secretary to the Government :—  
 I beg to second the motion.

*The resolution was carried unanimously.*

The Hon. the Treasurer :—

Sir, I rise to move the following resolution :—

“ Be it resolved: That this Council approves the payment  
 “ of the sum of £631 12s. 11d. to the estate of the late  
 “ Sir James Maxwell, K.C.M.G., K.B.E., Governor of  
 “ Northern Rhodesia, in respect of Nigeria's share of  
 “ his pension at the rate of £187 9s. 4d. *per annum* for  
 “ the period 4th to 16th November, 1932 (£6 10s. 5d.)  
 “ plus a gratuity of £624 17s. 6d.”

The late Sir John Maxwell died, Sir, before he had the opportunity of opting, so this opportunity has been taken to give the estate the advantage.

The Hon. the Deputy Chief Secretary to the Government :—  
 I beg to second the motion.

*The resolution was carried unanimously.*

The Hon. the Treasurer :—

Sir, I rise to move the following resolution :—

“ Be it resolved: That this Council approves the payment  
 “ of pension to Mr. W. T. Storm, formerly Senior  
 “ Surveyor in the Posts and Telegraphs Department of  
 “ Nigeria, at the rate of £55 16s. 8d. *per annum* with  
 “ effect from the 8th of January, 1932, the date of his  
 “ appointment to the service of the Northern Rhodesia  
 “ Government.”

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

I beg to second the motion.

*The resolution was carried unanimously.*

**The Hon. the Treasurer:—**

Sir, I rise to move the following resolution:—

“ Be it resolved : That this Council approves the expenditure  
 “ of the sums of £525,945, £462,662, £40,620,  
 “ £14,872, and £137,944 as detailed in the Supple-  
 “ mentary Estimates for the fourth quarter of the  
 “ financial year 1931-32 (first and second lists) and for  
 “ the first, second and third quarters of the financial  
 “ year 1932-33 respectively which were laid on the  
 “ table at the meeting of the Council held on the 6th  
 “ of March, 1933, and passed by the Finance Committee  
 “ on the same date.”

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

I beg to second the motion.

*The resolution was carried unanimously.*

#### BILLS.

#### THE MCFARLANE PENSION ORDINANCE, 1933.

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled “ An Ordinance to make special provision in regard to the pension of John McFarlane ” be read a second time. The object of this Bill, Sir, is to provide that two tours during which Mr. McFarlane served with the Kano Native Administration as printer should be regarded as pensionable service. During those tours Mr. McFarlane was erroneously led to suppose that he was a Government officer and that accordingly in the event of his being given a pensionable office under Government, these two tours would count as pensionable service.

He was subsequently offered and accepted a pensionable office under Government, and the object of this Bill is to give him the pension rights to which he believed he was entitled.

**The Hon. the Treasurer:—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

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

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Treasurer, the Bill was read a third time and passed.

THE WIDOWS' AND ORPHANS' PENSION (AMENDMENT) ORDINANCE,  
1933.

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled "An Ordinance to amend the Widows' and Orphans' Pension Ordinance" be read a second time. This Bill, Sir, remedies a defect that has been discovered in the principal Ordinance, and it also amends that Ordinance in the interests of retrenched officers.

The defect to which I have referred is that in certain circumstances it would be possible for an officer to get the benefit which is only intended to accrue to him after paying a full year's contribution under the Widows' and Orphans' Pension Scheme, after paying only a single monthly instalment of that contribution. That defect is remedied by clause 2 of the Bill.

Clauses 3 and 4 relate to retrenched officers. Under the present Ordinance, where an officer who is a bachelor retires, he is entitled to receive half his total contributions to the fund without interest, and thereupon his potential rights under the scheme come to an end. This may be particularly hard in the case of retrenched officers, and this Bill will enable such officers who are not transferred to other service under the Crown, and who are in receipt of a West African pension, to continue to make contributions under the scheme, and to have the right to benefit.

**The Hon. the Treasurer:—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

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

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Treasurer, the Bill was read a third time and passed.

THE ORDINANCES AUTHENTICATION (AMENDMENT) ORDINANCE,  
1933.

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled "An Ordinance to amend the Ordinances Authentication Ordinance" be read a second time. The object of this Bill, Sir, is to abolish what is regarded as an unnecessary requirement of the principal Ordinance. The principal Ordinance requires that when an Ordinance has been passed by this Council the Governor shall sign five printed copies: one is sent to the office of the Chief Secretary to the Government, one to the Chief Justice, one to the Clerk of the Legislative

Council, and two to the Secretary of State. Furthermore when the Governor enacts an Ordinance for the Northern Provinces, the Authentication Ordinance requires that he shall sign the enacting formula on four printed copies, and those four copies are distributed in exactly the same way as in the case of an Ordinance passed by this Council with the obvious exception that it is not necessary that a copy should be deposited with the Clerk of the Legislative Council.

As Honourable Members know, the Council may pass at a single Session as many as twenty Ordinances, and in that case the Governor has to sign his name no less than 100 times. It is considered quite unnecessary that a copy of the Ordinances should be deposited in the office of the Chief Secretary to the Government, and this Bill is introduced in order to remove that requirement from the principal Ordinance.

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

I beg to second the motion.

**His Excellency:—**

I may say that this Bill is coupled with another reform of the same kind. Honourable Members will have noticed that when an Ordinance is assented to now, it is assented to on the face of the Ordinance, and the certificate that the Governor is required to sign is also on the face of the Ordinance.

The result of the two reforms is that the unfortunate Governor, ten minutes before he goes on leave, will not again be presented with a number of Ordinances requiring his signature no less than 200 times. Under these reforms, instead of 200 times, his signature will be required 88 times, which in all conscience seems to be quite sufficient.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

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

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Deputy Chief Secretary, the Bill was read a third time and passed.

THE REGISTRATION OF UNITED KINGDOM PATENTS (AMENDMENT)  
ORDINANCE, 1933.

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled "An Ordinance to amend the Registration of United Kingdom Patents Ordinance, 1925" be read a second time.

The reasons for the two small amendments which this Bill makes in section 8 of the principal Ordinance are very fully set out in

the statement at the end of the Bill. Very shortly the position is this: where a patent granted in the United Kingdom is registered in Nigeria, the Supreme Court may in effect cancel registration if the invention has been manufactured, used or sold in Nigeria before the grant of the patent in the United Kingdom; but inasmuch as it would be possible in virtue of that provision, for any person becoming aware of an application for a patent in the United Kingdom, by manufacturing, using or selling the invention in Nigeria before the patent was actually granted to put himself in a position to ask the Supreme Court to cancel any certificate which might subsequently be granted, this Bill provides that the Supreme Court shall not cancel the certificate of registration unless the invention has been manufactured, used or sold in Nigeria,—not before the date of the grant of the patent—but before the date of the application for the patent. The point is of some importance because very frequently some time elapses between the application for a patent and the grant of it.

**The Hon. the Comptroller of Customs:—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

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

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Comptroller of Customs, the Bill was read a third time and passed.

#### THE ANATOMY ORDINANCE, 1933.

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled "An Ordinance to regulate schools of Anatomy" be read a second time.

The necessity for this Bill arises from the fact that in order to teach anatomy at the Medical School at Yaba it will be necessary to make provision for the dissection of human bodies. The purport of this Bill is to prescribe the cases in which human bodies may be dissected, and incidentally to ensure that the dissection of a human body under the provisions of the Bill shall not constitute a contravention of a certain section of the Criminal Code relating to—*to use the words of the marginal note—*misconduct with regard to corpses.

This Bill follows closely provisions of the English Anatomy Act of 1832, and empowers the Director of Medical and Sanitary Service to grant a licence to practise anatomy—that is a licence to dissect human bodies—to the Superintendent of any School of Anatomy, and provides also that the licence shall be deemed to authorise the practice of anatomy by any teacher or student of the school.

The Bill provides that the executor or any person properly in possession of a human body, other than an undertaker, may allow that body to be dissected unless he is aware that at any time during the life of the deceased he intimated in writing, or that he intimated verbally in the presence of two witnesses during the illness from which he died, that he did not desire his body to be dissected, or unless any relative expresses the wish that the body shall be buried without dissection.

The Bill also contains provisions dealing with cases in which deceased persons have directed that their bodies shall be submitted for dissection: but here again it gives any relative the right to veto dissection. The Bill provides in addition that a body shall not be removed for dissection without a medical certificate, and also that after dissection the body shall be decently buried.

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

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

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

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Director of Medical and Sanitary Service, the Bill was read a third time and passed.

#### THE FORCED LABOUR ORDINANCE, 1933.

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled "An Ordinance to regulate the exaction of labour which is forced or compulsory labour within the meaning of a draft convention concerning forced or compulsory labour adopted by the International Labour Conference at Geneva on the 28th June, 1930, and to regulate the exaction of other kinds of labour" be read a second time.

Honourable Members of this Council must, I think, be sometimes struck by the great difference there is from the point of view of importance in the numerous Bills which are submitted for their consideration. Many Bills deal with matters of a comparatively trifling character. They merely make some small contribution to the law; it may be by rendering an Ordinance rather more suited to changed circumstances, or by making the meaning of an Ordinance clearer.

There are, however, other Bills which are of the first importance and which may affect in one way or another,—it may be in respect of their obligations or of their status,—considerable sections of the people of Nigeria. The Bill which is now before the Council is no doubt a Bill of this kind. It has

for its two objects the restriction of the right to exact forced labour to certain defined cases and the regulation of such forced labour as may be permitted.

The Bill is designed to meet the obligation which now devolves upon Nigeria, in virtue of a convention concluded at Geneva nearly three years ago, to legislate for the restriction of that kind of labour which is forced labour within the meaning of the Convention to the narrowest practicable limits. The Convention requires the abolition of all such labour as early as possible, but the Bill now before the Council is concerned with its restriction only.

From the principles of the Bill I do not suppose that any Honourable Member will dissent. The effects of the provisions of the Bill on the freedom and status of individuals, and its bearing on the general economic strength of Nigeria are, I think I may assume, fairly obvious. The purport of the provisions of the Bill will, I think, be most readily appreciated by examining them with a view to ascertaining what kind of labour is forced labour within the meaning of the Convention, and then seeing to what extent such labour is to be permitted. Forced labour means, and I am referring to clause 3 on page 3 of the Bill, "any work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily." That is the broad definition of forced labour within the meaning of the Convention. The Bill goes on to say that certain kinds of labour shall not be regarded as forced labour within the meaning of the Convention. There is the first exception, which applies in the case of both the Colony and the Protectorate, and that is the obvious exception of the labour of convicted prisoners. Then, in the case of the Protectorate only, there are two further exception or series of exceptions, which are set out in clauses 13 and 14. To summarise as succinctly as possible the provisions of clause 13, where Native Law and Custom allows it, a Native Authority may exact in any village or in any town which is not a township within the meaning of the Townships Ordinance, labour for the maintenance of native buildings used for communal purposes, including markets, but excluding juju houses, and places of worship; for sanitary measures; for the maintenance and cleaning of local roads and paths (and I must add here in view of the third proviso, with the sanction of the Governor); for repairing town or village fences; and for the digging and construction of wells, and, in addition, labour for such other minor communal services in the direct interest of the inhabitants of the town or village as may be prescribed.

But the right to exact such services is subject to these conditions. In the first place the inhabitants of the village or town concerned, or their direct representatives, must be consulted as to the necessity for the labour. Further, any person who is liable to render this service is to be excused on payment of such sum per day, during the progress of the work, as represents the current daily wage of labour. The exaction of services such as these may be justified by the consideration that in other communities these services are

covered by a rate, and that where there is no rate it is not inequitable that these communal services should be rendered free.

The second of the two exceptions will be found set out in clause 14 of the Bill. That clause provides that the Governor may exact labour in the event of war, famine, or certain other calamities which are specified. As Your Excellency has pointed out in your Address, in many civilised communities the rendering of such services in times of emergency is an ordinary civic obligation, and when the Bill is in Committee I shall move such amendments as are necessary in order to extend this exception to the Colony. As the Bill stands at present it is applicable to the Protectorate only.

These provisions, Sir, indicate what is meant by forced labour within the meaning of the Convention. First of all there is the general definition which I read out; next there is the obvious exception of prison labour, which is not forced labour within the meaning of the Convention, and finally there is the series of exceptions which are set out in clauses 13 and 14. Labour coming within the scope of those clauses is again not forced labour within the meaning of the Convention. These provisions as to what is, and what is not, forced labour within the meaning of the Convention represent as accurately as I think is possible the corresponding provisions of the Convention in their application to the circumstances of Nigeria. The Bill prohibits all forced labour as so defined subject to two exceptions and two exceptions only.

Subject to the regulations which are set out in the Schedule, or to such other regulations as the Governor-in-Council may substitute for them, the Governor may authorise the exaction of labour in the Protectorate in order to provide carriers for purposes of transport, and further, clause 10 provides that in the Protectorate a chief who is recognised as such by the Governor, and who does not receive adequate remuneration in other forms may, subject to regulations, exact such personal service as Native Law and Custom may permit. These are the only kinds of forced labour within the meaning of the Convention that the Bill allows, and it allows them only in the Protectorate. It is not practicable to abolish these forms of forced labour at once, but, as I have already pointed out, the Convention does impose upon the Government the obligation of abolishing them as soon as possible. It is the hope of the Government that it will be able in the not very distant future to introduce a Bill for the abolition of these the last remnants in Nigeria of labour of the kind to the suppression of which this Convention is directed.

**The Hon. Lieut.-Col. R. H. Rowe, D.S.O., M.C. (Commissioner of Lands):—**

I beg to second the motion.

**The Hon. the First Lagos Member (Dr. C. C. Adeniyi-Jones):—**

Your Excellency, the Honourable Attorney-General says that it is not practicable just now to abolish forced labour. Would it be possible, Sir, to give us an indication as to where the impracticability lies? He has assured us that within the very near

future action will be taken to abolish all remaining forms of forced labour. Perhaps he will be able to help us by telling us wherein lies that impracticability of abolishing it just now?

**His Excellency:—**

The Honourable Member will perceive, as will all Honourable Members of the Council, that in this Bill only two forms of forced labour are permitted to continue temporarily, that is to say forced labour which is forced labour within the meaning of the Convention. One is the power of the Governor to permit the exaction of forced labour under section 6 in order to provide carriers for purposes of transport, and I may add that the Government have set themselves a programme to abolish that form of forced labour within three years—the Convention allows five.

The second form of forced labour in regard to which we have taken ourselves out of the strict terms of the Convention comes under section 10—the rights of chiefs to forced or compulsory labour. If the Honourable Member has read my Address to the Council, he will see that point explained. That form of forced labour exists only in a very small part of Nigeria; not at all in the Northern Provinces, and in the Southern Provinces only in a portion of Benin. I have also explained in my Address how it is proposed to deal with that matter. The Government has a very clear conscience with regard to the question of forced labour. The Government has made great strides in the last twenty years in doing away with forced labour as the Honourable Member well knows. The time is not so far distant when the railways and roads were constructed by forced labour. That is the explanation.

**The Hon. the First Lagos Member (Dr. C. C. Adeniyi-Jones):—**

Thank you, Sir.

**The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul):—**

Your Excellency, there is only one point to which I wish to refer on the second reading of this Bill. I am entirely in favour of the Bill and the principles it embodies, but there is one point to which I should like to draw the attention of the House, and that is, the way in which this kind of legislation comes before this Council. There are a lot of very busy people at Geneva, and there is no sign that their activities in the future are going to decrease, and I think that where any proposals are going to be passed into Conventions at Geneva, which afterwards it is the intention of the Imperial Government to apply to Nigeria, that before the Imperial Order-in-Council is made, this Council, by Sessional Paper or by other convenient means, ought to be given an opportunity of considering the proposals which are to be put through before they are sent out here with this Council already under the obligation to pass legislation to give effect to such proposals.

In the case of this particular Ordinance I see that no exception can be taken to it, but when there may be Ordinances affecting the whole life of a place like Nigeria, and all the customs of the people of Nigeria (and I think it is quite likely that from Geneva proposals affecting Nigeria very deeply and intimately might emanate in the future) I think we ought to have some means whereby the proposals would be brought before this Council with some opportunity of the views of the Council being put forward before they are crystallised into hard fact.

**His Excellency:—**

With regard to the point raised by the Honourable Member, the position is this. The Convention is sent out in draft form, and the Government is consulted as to whether the particular Colony or Dependency or whatever it may be should become a party to it. The Governor is left to decide that question and if he thinks that it is a question of such importance that he should first approach the Legislative Council (if legislation has to be introduced) he would reply that he could not give an answer until he had put the matter before the Legislative Council and consulted them. In other cases, however, especially when it is apparent that the form of legislation proposed would recommend itself to the Council, I may take the responsibility myself, and particularly in this case, where there had been delay in introducing legislation to give effect to the Convention which has been in force since May last, I took the responsibility—and I hope the Council will not withdraw their confidence on that account—and said that I would become a party to it, and I have introduced the legislation necessary to give effect to it.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

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

*Council in Committee.*

*Clause 1.*

**The Hon. the Attorney-General:—**

Sir, I have a series of amendments to various clauses in the Bill of which Honourable Members have had notice. Some relate to the substitution of references to "the Convention" for references to "the Draft Convention." There are also other amendments relating to the extension of the right of the Governor to authorise the exaction of forced labour in the event of the calamities which are set out in clause 14.

I now move that clause 1 (2) be amended by the deletion of the present words and by the substitution of the following:—

*Clause 1 (2).—*"Sections 1, 2, 3, except paragraph (b),  
 "4, 5, 12, 14 and 15 (so far as it relates to the  
 "provisions of section 14) and section 16, except  
 "paragraphs (a), (b) and (d)."

*The amendment was adopted.*

*Clause 2.*

**The Hon. the Attorney-General:—**

Sir, I move that this clause be amended by deleting the word "draft", and by the addition of the words "and was confirmed and approved by an Order of Council dated the 12th May, 1931."

*The amendment was adopted.*

*Clause 3.*

**The Hon. the Attorney-General:—**

Sir, I move that for paragraph (b) there be substituted the following two paragraphs:—

"(b) any work or service exacted under section 13, and  
"(c) any work or service exacted under section 14."

*The amendment was adopted.*

*Clause 14.*

**The Hon. the Attorney-General:—**

Sir, I move that for the words "the Protectorate" there be substituted the word "Nigeria."

*The amendment was adopted.*

*Clause 16.*

**The Hon. the Attorney-General:—**

Sir, I move that there should be a semi-colon instead of a full stop at the end of paragraph (a), and that for paragraph (b) there be substituted the following paragraphs:

"(b) with regard to the exaction and employment of  
"labour under section 13;"

"(c) with regard to the exaction and employment of  
"labour under section 14;"

Further, that paragraphs (c) and (d) be re-lettered as paragraphs (d) and (e) respectively and that the word "and" be inserted after the word "complaints."

*The amendments were adopted.*

*Preamble.*

**The Hon. the Attorney-General:—**

Sir, I move that the word "draft" be deleted wherever it occurs before the word "Convention".

*The amendment was adopted.*

*Title.*

**The Hon. the Attorney-General:—**

Sir, I move that in the title the word "draft" be deleted, and that after the words "1930" there be inserted the words "and confirmed and approved by His Majesty's Most Honourable Privy Council on the 12th May, 1931."

*The amendment was adopted.*

The Bill having passed through Committee with nine amendments, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable Colonel Rowe (Commissioner of Lands), the Bill was read a third time and passed.

THE CINEMATOGRAPH ORDINANCE, 1933.

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled "An Ordinance for the better regulation and control of cinematograph and similar exhibitions and posters advertising such exhibitions, and for purposes connected therewith" be read a second time.

This Bill, Sir, is introduced in order to repeal and substitute other provisions for those of the existing Cinematograph Ordinance. That Ordinance has two objects: in the first place to ensure that Cinematograph Exhibitions shall only be given in suitable buildings, that is to say buildings which are so constructed that if films catch alight the buildings themselves are not likely to get on fire, and further, so constructed that if they do get on fire, the exit of a full house would be easy and rapid. The other object of the existing Ordinance is, of course, to provide for the censorship of films, and it is the provisions of the Ordinance with regard to the censorship of films which are regarded as being particularly inadequate in view of the ever-increasing development of the film industry. The Ordinance assigns the duties of censoring films to a prescribed officer, that is to say a single individual whose views may be too strict or much too lax, and from his decision the Ordinance gives no right of appeal.

So far as this Bill relates to the safety of the public, its provisions will be found to be at least as satisfactory as the corresponding provisions of the existing Ordinance. The leading provision on this subject is that cinematograph exhibitions shall not be given except in premises licensed for the purpose by a prescribed authority, that is to say, by a person or persons appointed by the Governor.

I now come to the provisions of the Bill with regard to the censorship of films, or rather of films and posters, because posters advertising cinematograph exhibitions are to be subject to censorship as well as films. The Bill provides for the constitution of a Board of Censors consisting of the Director of Education as President, and such other persons not exceeding ten in number as the Governor may appoint. The Board itself will appoint one or more committees consisting of three of its members, designated as "Censorship Committees", and every film will have to be submitted to and passed by a Censorship Committee. From the decision of a Censorship Committee there will be a right of appeal to the Board as a whole, with a quorum of five, but excluding the members of the Board who were on the Committee from whom the appeal comes. That right of appeal is given to any person who is aggrieved by the refusal of a Censorship Committee to

pass his film, and it is also given to the Chief Secretary to the Government in cases where he considers that a Censorship Committee has improperly passed a film. I think the Council will agree that these provisions are far more satisfactory than those of the Cinematograph Ordinance which they are intended to supersede.

**The Hon. Mr. E. R. J. Hussey (Director of Education):—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

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

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable Mr. E. R. J. Hussey, the Bill was read a third time and passed.

THE CRIMINAL PROCEDURE (AMENDMENT) ORDINANCE, 1933.

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled "An Ordinance to amend the Criminal Procedure Ordinance" be read a second time.

The object of this Bill, Sir, is to make it possible to effect the arrest of a person for whose arrest a warrant has been issued, on telegraphic instructions and to obviate a delay which might make it possible for the offender, or supposed offender, to avoid arrest altogether.

**The Hon. the Third Lagos Member (Mr. T. A. Doherty):—**

According to this Bill, Sir, I think there would be some difficulty in regard to sending telegraphic instructions for the arrest of a person from one place to another. It would appear that this amendment proposes to affect the whole of the intention of the present legislation regarding the arrest of persons on production of a warrant. It seems to me that this section needs different wording altogether.

**The Hon. the Attorney-General:—**

The Honourable Member will see that there is nothing said in this clause with regard to telegraphic instructions. The sole condition which has to be satisfied before a man can be arrested is that the warrant for his arrest shall be in existence. Once the warrant for his arrest is in existence he may be arrested, and the Bill provides for that. The clause will empower an officer in one part of Nigeria who has been informed by telegram that a warrant has been issued in another part to effect the arrest.

**The Hon. the Acting Secretary, Southern Provinces:—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

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

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Secretary, Southern Provinces, the Bill was read a third time and passed.

**THE IMMIGRATION RESTRICTION (AMENDMENT) ORDINANCE, 1933.****The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled "An Ordinance to amend the Immigration Restriction Ordinance" be read a second time.

This Bill, Sir, proposes certain amendments to the Immigration Restriction Ordinance. It will, I think, be sufficient if I invite the attention of the Council to the more important of them. In the first place the principal Ordinance provides that a non-native may not land in a Nigerian port without a certificate from an Immigration Officer stating that he is a fit and proper person to be allowed to land. This Bill amends that provision in two respects. It states that the provision shall not apply where a non-native passenger embarked at some other port in Nigeria during the same voyage, and, further, it makes a second amendment requiring that a certificate shall be obtained on each occasion that a non-native passenger lands.

It has long been the practice of Immigration Officers to require a certificate on the occasion of each landing, and this amendment will regularise that practice. The amendment is justified by the consideration that a person who was acceptable as an immigrant, might, by his subsequent conduct or by his changed circumstances, bring himself within or come within one or other of the categories of prohibited immigrants which are set out in the principal Ordinance.

The long sub-section which is set out on pp. 3-4 of the Bill is an amended form of a provision in the existing Ordinance to the effect that where a non-native lands in Nigeria in pursuance of an agreement to serve an employer in Nigeria, and within twelve months becomes a pauper or otherwise liable to be dealt with as a prohibited immigrant, the employer will be liable to refund the Government the cost of any expenses incurred in maintaining him, or in deporting him.

The proposed sub-section makes two amendments to that provision. In the first place in view of the fact that the normal tour is now eighteen months, it extends the period of the employer's liability from twelve to eighteen months. On the other hand the new sub-section will enable the employer to relieve

himself of his liability in certain circumstances. If the employee himself determines the agreement then the employer's liability will cease on the expiration of two months from the date on which he notifies the immigration authorities that the employee has determined the agreement, but that is subject to this: if the employee fails to obtain a bond from a new employer or to deposit £60 with the immigration authorities, an Immigration Officer may during the last seven days of the two months declare the employee to be a prohibited immigrant and may deport him. In that case the employer will be liable not only for the cost of maintaining the employee during those two months, but also for the expenses involved in deporting him.

It will be seen therefore that even where the employee fails to obtain a new bond from a new employer, or to deposit the sum of £60, this amendment may enable the employer to escape the expense of several months of maintenance.

**The Hon. the Director of Public Works:—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

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

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Director of Public Works, the Bill was read a third time and passed.

#### THE LAGOS TOWNSHIP (AMENDMENT) ORDINANCE, 1933.

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled "An Ordinance to amend the Lagos Township Ordinance" be read a second time.

The only amendment of substance which this Bill makes in the Lagos Township Ordinance is to provide that the Lagos Township rate should be payable half-yearly instead of quarterly, the object of the amendment being to reduce the expense of collecting the rate.

**The Hon. the Acting Administrator of the Colony:—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

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

*Council in Committee.**Clause 2.***The Hon. the Attorney-General:—**

Sir, I move that for the last three lines of this clause there shall be substituted the following:—

“ is hereby amended by the insertion in paragraph (i)  
 “ between the first bracket and the words ‘ hereinafter  
 “ ‘ referred ’ of the words ‘ which may be called the  
 “ ‘ Lagos Township rate and is ’ ”.

The reference in the Bill before the Council is to “ *the* Lagos Township rate.” That would have been justified if there had been a previous reference to the rate. There is, however, no such reference to the rate, and that explains the amendment which I have moved.

*The amendment 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 Administrator of the Colony, the Bill was read a third time and passed.

## THE CUSTOMS TARIFF (AMENDMENT) ORDINANCE, 1933.

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled “ An Ordinance to amend the Customs Tariff Ordinance, 1924 ” be read a second time.

When it is desired to amend any of the Schedules to the Customs Tariff Ordinance, 1924, two steps are necessary. In the first place the Governor must make an Order-in-Council altering the schedule, and secondly, that Order-in-Council must be approved by the Legislative Council. The Legislative Council can either approve or disapprove of the Order-in-Council, but it cannot amend it. This Bill, Sir, meets this difficulty by empowering the Legislative Council itself to alter any of the Schedules, and does away with the necessity of a prior Order-in-Council. The position will be substantially the same. The Legislative Council will have before it, not a formal Order-in-Council made by the Governor, but a proposal of the Governor in Council. That proposal, however, the Legislative Council will be able to modify.

**The Hon. the Comptroller of Customs:—**

I beg to second the motion.

*Bill read a second time.***The Hon. the Attorney-General:—**

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

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Comptroller of Customs, the Bill was read a third time and passed.

THE TOBACCO AND CIGARETTES EXCISE DUTIES ORDINANCE, 1933.

The Hon. the Attorney-General:—

Sir, I move that a Bill entitled "An Ordinance to impose duties of excise on tobacco and cigarettes and to provide for the control of tobacco factories" be read a second time.

This Bill is introduced, Sir, because Government foresees the likelihood of one or more factories for the manufacture of tobacco and cigarettes being established in Nigeria. If such an industry were introduced here, it would of course be necessary to impose an excise duty, and provision for the imposition of such a duty will be found in clause 3.

Furthermore, it would also be necessary to provide that tobacco and cigarettes should only be manufactured on licensed premises, for if excise duties were imposed it would be essential to know of every place where tobacco or cigarettes were being manufactured, and moreover inspection would be necessary in order to see that proper records were being kept. There is another point. Clause 5 (2) provides that the Governor *may* grant these licences, that is to say, the Governor *may* license factories for the manufacture of tobacco and cigarettes. Although the words used in the section are "*may* grant" there can be no doubt but that if these words stood alone the Governor would usually have to grant such licences, in other words that "*may*" here really means "*must*". It is considered advisable, however, that for the first four years from the commencement of the Ordinance the Governor should have absolute discretion to refuse to grant a licence, and provision to that effect will be found in clause 5 (2) (b) of the Bill. The reasons for that clause are these: in the first place it would probably be inadvisable to impose an excise duty while the industry was in its infancy, and if licences were to be granted too freely—that is to say if, in view of the wording of the Ordinance, they had to be granted—the revenue might suffer severely in view of the fact that the import duty on leaf tobacco is very considerably less than the import duty on cigarettes. Furthermore the advantages of the introduction into Nigeria of an entirely new industry are, I think, fairly obvious, and it might be a deciding factor with a company or a syndicate if they were aware that they would receive some small measure of protection from competition during the first two or three years of their enterprise. As Honourable Members will see, clause 3 (3) of the Bill provides that no excise duty shall be payable on "tobacco prepared entirely without the use of machinery in the primitive or native fashion and made up by the grower ready for smoking in tobacco pipes or for use as snuff." Honourable Members may have noticed that this exception does not appear in clause 5, which

empowers the Governor to licence factories for the manufacture of tobacco. It is, however, the desire of Government that tobacco of this kind should be excepted from that clause when the Bill is in Committee.

**The Hon. the Director of Agriculture:—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

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

*Council in Committee.*

*Clause 3 (1).*

**The Hon. the Attorney-General:—**

Sir, I move that this sub-clause be amended as follows: That for the words—

“ Subject to the provisions of this Ordinance the  
“ Governor may at any time by Order in Council, made  
“ with the consent, signified by resolution, of the  
“ Legislative Council, in so far as the order relates  
“ to the Colony and to the Southern Provinces of the  
“ Protectorate.”

there shall be substituted the words—

“ The Legislative Council, by resolution, in so far  
“ as such resolution relates to the Colony and to the  
“ Southern Provinces of the Protectorate, and the  
“ Governor, by order, in so far as such order relates  
“ to the Northern Provinces of the Protectorate,  
“ may ”.

That for the words “ such order ” there shall be substituted the words “ such resolution or order.”

The reason for these amendments I have in effect already given when moving the second reading of the Bill to amend the Customs Tariff Ordinance of 1924.

*The amendments were adopted.*

*Clause 3 (2).*

**The Hon. the Attorney-General:—**

Sir, I move that in this sub-clause for the words—

“ The Governor may by Order in Council, made with  
“ the consent, signified by resolution, of the Legisla-  
“ tive Council, in so far as the order relates to the  
“ Colony and to the Southern Provinces of the  
“ Protectorate.”

there shall be substituted the words—

“ The Legislative Council, by resolution, in so far  
“ as such resolution relates to the Colony and to the  
“ Southern Provinces of the Protectorate, and the

“ Governor, by order, in so far as such order relates  
“ to the Northern Provinces of the Protectorate, may ”.

*The amendment was adopted.*

*Clause 5.*

**The Hon. the Member for the Egba Division (Mr. S. H. Pearse):—**

Sir, in clause 5, sub-clause (3), is this to be taken to mean when a company owns several factories, or does it also refer to one factory which may be housed in separate premises quite close to or alongside each other?

**The Hon. the Attorney-General:—**

I must confess that the words “ *set of premises* ” mystified me when I first saw them. The Honourable Member has no doubt noticed that the word “ *premises* ” occurs alone everywhere else in the Bill, and I do not think there is sufficient reason for retaining the words “ *set of* ”.

**His Excellency:—**

I have no objection to those words being taken out.

**The Hon. the Member for the Egba Division (Mr. S. H. Pearse):—**

Your Excellency, I move, therefore, that the words “ *set of* ” in the second line be deleted from this sub-clause.

*The amendment was adopted.*

*Clause 5.*

**The Hon. the Attorney-General:—**

Sir, I move that after sub-clause (5) there be added the following sub-clause—

“ (6) Tobacco prepared entirely without the use of  
“ machinery in the primitive or native fashion and  
“ made up by the grower ready for smoking in  
“ tobacco pipes or for use as snuff shall not be deemed  
“ to be manufactured within the meaning of this  
“ section.”

*The amendment was adopted.*

The Bill having passed through Committee with five amendments, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Director of Agriculture, the Bill was read a third time and passed.

*Council adjourned at 12.25 p.m.*

*Council resumed at 2.30 p.m.*

#### THE TOWNSHIPS (AMENDMENT) ORDINANCE, 1933.

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled “ *An Ordinance to amend the Townships Ordinance* ” be read a second time.

The greater part of this Bill relates to a matter of some difficulty which has been before the Council on more than one occasion in recent years. I refer to a provision made by the Townships Ordinance with regard to the grant of pensions and gratuities to officers of First or Second Class Townships and of pensions to the widows and orphans of such officers. It is not necessary that I should burden the Council with a history of recent legislation on the subject; it will be sufficient, I think, if I refer to the legislation which is now in force, and if I indicate the particular difficulty which has arisen in connexion with it.

The Townships Ordinance now provides that in the case of First and Second Class Townships the grant of pensions and gratuities to Township officers on retirement, and of pensions to their widows and orphans shall be governed by such of the provisions of the law relating to the grant of pensions and gratuities to Government officers, and of pensions to the widows and orphans of such officers, as the local authority may direct, subject to the approval of the Governor in Council or, in the case of a Second Class Township, to the approval of the Governor. Now a good many of these provisions are either unsuitable or quite inapplicable without modification. It may perhaps be assumed that there is associated with the express power which is given to a Town Council or other local authority to direct which of these provisions shall apply an implied power to make such modifications as may be necessary, but it is the uncertainty as to the extent of this implied power that constitutes the difficulty. The Bill now before the Council accordingly gives an express power to local authorities to make modifications in these provisions, subject, of course, to the consent of the Governor in Council, or in the case of a Second Class Township, to the consent of the Governor.

The Bill also makes it clear that the local authority may grant gratuities to the estates of deceased officers, that it may call upon officers to retire on attaining the age of 55, and that pensions and gratuities shall not be assignable or liable to attachment in respect of debts. All those three provisions are embodied in the law relating to the grant of pensions and gratuities to Government officers.

The Bill deals with one other matter. At present, under the existing law, the Township rate is payable monthly, and this Bill provides that the rate shall be paid half-yearly. The object of this amendment is to reduce expenses in connexion with the collection of the rate.

**The Hon. the Acting Administrator of the Colony:—**

I beg to second the motion.

*Bill read a second time.*

The Bill having passed through Council without amendment, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Administrator, the Bill was read a third time and passed.

## THE LIQUOR (AMENDMENT) ORDINANCE, 1933.

**The Hon. the Attorney-General :—**

Sir, I move that a Bill entitled " An Ordinance to amend the Liquor Ordinance " be read a second time.

Last year the Council passed an Ordinance which provided that when a person was convicted of the illicit distillation of spirits or of one of certain other offences, he should be liable for a first offence to a fine not exceeding £500, and in default of payment to imprisonment for a term not exceeding three years, and for a second or subsequent offence to imprisonment for a term not exceeding five years.

It is considered that the convicting Court should have rather a wider discretion when it has before it a second or subsequent offence. It is considered that the Court should be able to impose a fine instead of sending the person to prison, and this Bill provides that where a person is convicted of a second or subsequent offence the Court may impose a fine not exceeding £500, or sentence him to imprisonment for a term not exceeding five years, or impose both of these penalties.

In the same Ordinance to which I have referred there is a section to the effect that in any part of Nigeria to which that section has been applied by Order-in-Council, if any person has in his possession any metal tubing and is not able to show that that metal tubing is not in his possession with a view to its being used for illicit distillation, he shall be liable to a fine not exceeding £100 or to imprisonment for a term not exceeding twelve months, or to both of these penalties.

Clause 3 modifies that provision and provides that in the case of a first offence the offender shall not be sentenced to imprisonment without the option of a fine. It provides for the first offence a fine not exceeding £100 or a term of imprisonment not exceeding twelve months, or for a second or subsequent offence, a fine not exceeding £100 or a term of imprisonment not exceeding twelve months or the infliction of both of these penalties.

Clause 4 will permit of regulations of a kind which have been long in existence to the effect that, subject to certain exceptions, liquor must not be sold on licensed premises within a prohibited area unless the purchaser produces a permit showing the kind and quantity of liquor which he is authorised to purchase.

**The Hon. the Secretary, Northern Provinces :—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General :—**

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

*Council in Committee.*

*Clause 2.*

**The Hon. the Attorney-General:—**

Sir, I move that for the last two lines of this clause there shall be substituted the following:—

“ hundred pounds and in default of payment to imprisonment for three years, or to imprisonment for five years, or to both such penalties.”

As I have already pointed out, in the case of a first offence a fine not exceeding £500 may be imposed with imprisonment not exceeding three years in default of payment. It is thought desirable that in the case of a second offence the words “ five hundred pounds ” should also be followed by the words “ and in default of payment to imprisonment for three years.”

**The Hon. the Member for the Colony Division (Sir Kitoyi Ajasa, Kt., O.B.E.):—**

With regard to the Honourable Attorney-General's amendment, Sir, I do not know whether the Council is aware of the widespread distillation which is going on in Nigeria to-day. Fortunately it did not come down to Lagos until within the last twelve months, but when I was at Aba, on the Commission of Inquiry in 1930, it was very widespread. I think that legislation is required that will act as a deterrent in order to clear the country of illicit distillation, and any loophole of this kind is going to make the position worse.

**The Hon. the Attorney-General:—**

The Government is very alive to the great amount of illicit distillation which has been going on recently in Nigeria, especially in certain parts of the country, but it does feel that cases may arise from time to time where a person is convicted a second or subsequent time in such circumstances that it would be harsh to impose imprisonment without the option of a fine. I do not think it will be found that many such cases will arise, but Government considers that Courts ought to have wider discretion in the case of a second or subsequent offence than they have at present.

**The Hon. the Member for the Colony Division (Sir Kitoyi Ajasa, Kt., O.B.E.):—**

I think, Sir, you will be making it very difficult for the police to pursue their duties in this respect. The matter is getting very serious, and it is for the Government to take very strong measures, especially when enacting legislation. I do not press the question, Sir.

**His Excellency:—**

The Government is very anxious not to do anything to weaken the machinery of the law in this respect, but we do think that in the case of a first offence that an option should be given of a fine, especially when one knows the class of people who are doing this kind of illicit trading. It is quite impossible for any of them to find a sum of anything like £100, and they all go to prison. We think also in the case of a second offence that the Court ought to have the power either to fine or to imprison the offender, and we

consider that that is sufficient. We are just as anxious as the Honourable Member regarding this matter, and we will do anything we possibly can to put down this very disastrous illicit distillation of spirits.

The question is that the amendment moved by the Honourable Attorney-General to Clause 2 of the Bill be adopted.

*The amendment was adopted.*

*Clause 3.*

**The Hon. the Attorney-General:—**

Sir, for reasons similar to those which I gave in regard to the amendment of the second clause, I move that in this clause for the last two lines there shall be substituted the following:—

“offence to a fine of one hundred pounds and in default  
“of payment to imprisonment for twelve months, or  
“to imprisonment for twelve months, or to both such  
“penalties.”

*The amendment was adopted.*

The Bill having passed through Committee with two amendments, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Secretary, Northern Provinces, the Bill was read a third time and passed.

THE MEDICAL PRACTITIONERS AND DENTISTS (AMENDMENT)  
ORDINANCE, 1933.

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled “An Ordinance to amend the Medical Practitioners and Dentists Ordinance” be read a second time.

As Honourable Members will see from the statement at the end of the Bill, the object of this Bill is to enable owners of plantations in the Cameroons to engage doctors of their own nationality for medical work among their labourers.

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

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

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

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Director of Medical and Sanitary Service, the Bill was read a third time and passed.

## AN ORDINANCE TO AMEND THE LABOUR ORDINANCE.

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled " An Ordinance to amend the Labour Ordinance, 1929 " be read a second time.

This Bill, Sir, applies to ships registered in Nigeria the provisions of an International Convention fixing the minimum age for admission of children to employment at sea. The Bill, which is based on similar legislation in force in England, provides that, subject to certain exceptions, no child under the age of fourteen shall be employed in a sea-going vessel which is registered in Nigeria under the Merchant Shipping Acts.

**The Hon. the Director of Marine:—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

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

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Director of Marine, the Bill was read a third time and passed.

## THE RAILWAY PROVIDENT FUND (AMENDMENT) ORDINANCE, 1933.

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled " An Ordinance to amend the Railway Provident Fund Ordinance " be read a second time.

In addition to making provision for the constitution of a Railway Provident Fund by deposits from railway employees and the grant of bonuses and interest by Government, and for the payment of the amounts so accumulated to depositors on retirement, the regulations governing the Railway Provident Fund provide for the grant in certain circumstances of gratuities to depositors when they retire. These gratuities are mainly met from an annual grant which Government makes to the Fund. Government has recently been advised that in so far as these regulations provide for the grant of these gratuities, they go beyond the purview of the Ordinance under which they are made. One of the objects of this Bill is to permit of regulations being made authorising the grant of these gratuities. The Bill also provides for the making of regulations to prescribe the circumstances in which the payment of bonuses which have been credited to a depositor's account may be withheld, and it also allows of debts due to Government being deducted from the amount payable to a depositor when he retires.

**The Hon. the Acting General Manager of the Railway:—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General :—**

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

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting General Manager of the Railway, the Bill was read a third time and passed.

**THE PUBLIC OFFICERS' GUARANTEE FUND (AMENDMENT) ORDINANCE, 1933.**

**The Hon. the Attorney-General :—**

Sir, I move that a Bill entitled " An Ordinance to amend the Public Officers' Guarantee Fund Ordinance " be read a second time.

This Bill is the outcome of representations which have been made by the Treasurer to the effect that it would be convenient if the Public Officers' Guarantee Fund's financial year were altered so as to make it coincide with the Government's financial year.

**The Hon. the Treasurer :—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General :—**

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

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Treasurer, the Bill was read a third time and passed.

**THE FOLDED WOVEN GOODS (AMENDMENT) ORDINANCE, 1933.**

**The Hon. the Attorney-General :—**

Sir, I move that a Bill entitled " An Ordinance to amend the Folded Woven Goods Ordinance " be read a second time.

The leading provision of the Folded Woven Goods Ordinance requires that folded woven goods shall not be imported into Nigeria unless they are folded in folds of not less than one yard in length, and unless each piece is marked with the number of yards it contains. The object of that provision is of course to prevent purchasers from being defrauded.

At the end of the Ordinance there is a schedule setting out certain kinds of woven goods which are not subject to that provision, and in that schedule appear the items linen drills and khaki drills. This Bill removes those two items from the list of exceptions and inserts fents in that list, since inasmuch as " fents " in this Bill are

defined as "remnants of cloth of irregular lengths being under six yards" there would appear to be no objection to the inclusion of "fents" in the list of exceptions.

These amendments have the approval of the West African Section of the London, Liverpool and Manchester Chambers of Commerce, and they will also have the advantage of securing uniformity in the Ordinances of the four West African Colonies relating to folded woven goods.

**The Hon. the Comptroller of Customs:—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

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

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Comptroller of Customs, the Bill was read a third time and passed.

#### THE PRINTING PRESSES REGULATION ORDINANCE, 1933.

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled "An Ordinance for the regulation of printing presses and of books and papers printed in Nigeria" be read a second time.

For reasons which I think will be obvious this Bill requires that any person who keeps a printing press shall make a declaration before a Magistrate stating that he does keep such a press, and specifying the place where he keeps it. The Bill further requires that on every book or paper printed and intended for publication there shall appear the name, and address of the printer and publisher. As Honourable Members will see, the Ordinance will not come into force until it is brought into force by the Governor by means of a notice in the *Gazette*, and before this is done it is intended to prepare a list of exemptions, that is to say a list of papers which cannot conveniently have these particulars printed upon them.

**The Hon. the Senior Resident, Ilorin Province:—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

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

*Council in Committee.*

The Hon. the Member for the Colony Division (Sir Kitoyi Ajasa, Kt., O.B.E.):—

Your Excellency, in this connexion I speak on behalf of three or four members of the Council as regards this Bill. I have always welcomed restrictions on the part of Government in regard to vigilance of the local press. I think in most cases the local press does more harm than good. I must say, however, that I am not impressed with the reasons given by the Honourable the Attorney-General for the necessity of this Bill at the present moment. I may be dense, but I cannot see what the intention is as regards this Bill.

I am sure from what I know of Your Excellency that you not only welcome criticism, but that you welcome criticism from the local press when it is properly applied. I do think that safeguards are necessary, and I have often impressed on the Government that I consider the time has come when we should have a censorship of the press. I must say that from the time I joined this Council I consider that the press has received more latitude from the Government than should have been given to it. Now I do not for one moment challenge or accuse Government of wishing to curtail the liberty of the press, but there seems to be something at the back of my mind, and I cannot quite see what is the intention of Government in regard to this particular Bill. I know the Honourable Attorney-General is always very clever in enlightening us in regard to points that we do not understand, and I should like to know what is intended by this Bill, and if it is for the good of Nigeria, I am sure we are all prepared to support it.

I feel that I can say with all sincerity that the press of Lagos and the press of Nigeria are out to help the Government in the good governing of the country, and I feel inclined to ask Your Excellency for the postponement of the third reading of this Bill until some future Session of Council. I only wish to have a guarantee that no curtailment of the liberty of the press of Lagos or of Nigeria beyond certain bounds is intended. I believe, Sir, that you will remember I have also expressed to you personally my opinion that the press of Nigeria and of Lagos in particular do not recognise the distinction between liberty and licence, and if the idea is to enforce this distinction within adequate bounds, then I will support the measure. At the present moment I must say, Sir, that the Bill is somewhat obscure, and I move that its further consideration be postponed until a future occasion.

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

Your Excellency, I should like to associate myself with the remarks of the Honourable Member for the Colony Division before the Honourable Attorney-General replies. It seems to me that this Bill is quite unnecessary. It would appear that Government already has the control necessary regarding the press, and I do not see how this Bill now before the Council can in any way assist the Government. I see no necessity for a Bill like this, and I do not think it should have been brought before the Council. I consider

that all the protection required is provided under the existing Ordinance, and I therefore appeal to the Government to withdraw this Bill.

**The Hon. the Attorney-General:—**

I can assure the Honourable Member that there is no intention whatever to curtail the liberty of the press. The object of this Bill is to make it easy, in the event of any printed paper containing libellous matter to find out who the offender is. The Newspaper Ordinance is not in the opinion of Government sufficient to secure this. The Newspaper Ordinance is confined to newspapers as defined in that Ordinance, but one might arrive in Lagos one morning and find the whole of the town littered with a most seditious or most libellous pamphlet or leaflet, and in that case it would be very desirable to be able to ascertain at once—and this could be done if the provisions of this Bill had been complied with—who was responsible for printing the pamphlet or leaflet, and who was responsible for publishing it. The Honourable Member will see that there is no curtailment of the liberty of the press at all. The whole object is to enable the Government to find out who the offender is when something has been printed which goes beyond what the law relating to sedition and libel allows.

**The Hon. the Member for the Colony Division (Sir Kitoyi Ajasa, Kt., O.B.E.):—**

I quite appreciate what the Honourable Attorney-General has said, but I still do not think that this particular Bill is necessary. Many papers and pamphlets being distributed here come from other countries, and are not printed or published in Nigeria, and if they are printed in Nigeria, they are covered by the Newspaper Ordinance which says: "At the foot of the last page of each copy of every newspaper, and at the foot of the last page of each copy of every supplement, there shall be added and printed the true and real name and place of abode of the printer and publisher and the true and real description of the place of printing of every such newspaper and supplement." This appears to cover what the Attorney-General requires.

I myself have had occasion to write to the Postal Authorities asking them to prohibit the entry of certain postal matters sent to me here which I thought were not good for the country, but this Ordinance distinctly states that the matter must be printed within Nigeria. I do not know what is really behind this Bill. I can assure Your Excellency that every person in Nigeria so far as I know is anxious to support the good Government of this country, but we want to prevent any misunderstanding, and what I ask is that Your Excellency should either withdraw this Bill or rule that it should not be read for another six months.

**The Hon. the Attorney-General:—**

So far as I am aware this Bill has not been prepared in view of anything which has occurred in the past. It is merely a precaution against something which might arise in the future. The Bill is based on legislation in force in other countries, and in this

connexion I should like to refer the Council to the provisions of the Newspaper Ordinance. The Newspaper Ordinance applies to newspapers, and newspapers are defined in section 2 as meaning—

“ any paper containing public news, intelligence or occurrences or any remarks, observations, or comments thereon printed for sale and published in Nigeria periodically . . . ”

That is the point. The Newspaper Ordinance is adequate to meet publications which are newspapers within its meaning, but it is possible, as I have said, that there might be distributed all over Lagos leaflets of a most seditious or libellous character, and it is in order to meet that kind of publication that this Bill is introduced, as it has been introduced in other Colonies.

His Excellency:—

I will explain the position to the Honourable Member, as at present we seem to be at sixes and sevens. This Bill has nothing whatsoever to do with newspapers. The Newspaper Ordinance provides that if anybody publishes a newspaper as therein defined, he should put his name and address on it. This Ordinance prescribes that if anybody issues a document which is not a newspaper he should put his name and address on it also, and the person who prints it must do the same, exactly as he does on a newspaper. That is the law of every civilised country I know, and this Bill is due to the fact that sometime before I went to England I saw a dirty little pamphlet in some paper that was sent up to me, and I looked to see where it had been printed. It had no imprint on it at all, and I asked if there was no law in Nigeria such as there is in every civilised country requiring that anybody who printed a thing like that should put his name and address on it, and I was informed there was not. If this is a civilised country let us have the law of civilised countries. What possible objection can there be to prescribing that anybody who prints a book, pamphlet or leaflet should do exactly the same as proprietors of newspapers have to do, and put his name and address on it? It is nothing to do with the press, and cannot in any way affect any newspaper which is now printed.

As to the importation of improper literature, of course we cannot deal with that in a Bill of this kind. It would have to be dealt with in another way. The Government is aware of the position and exercises as much vigilance as it can. It is not a subject which I can discuss with any detail in public, but I do assure the Council that this Bill has nothing to do with the liberty of newspapers. It simply asks that what is done as a matter of course in every civilised country should be done here, and that is that if anybody prints or publishes a book or pamphlet he should put his name and address at the bottom of it.

The Hon. the Member for the Colony Division (Sir Kitoyi Ajasa, Kt., O.B.E.):—

I am much obliged to Your Excellency, and if that is all we are quite reassured. I was a little worried as to the exact meaning of section 4, sub-section (2) of the Bill. I have no further objection.

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Senior Resident, Ilorin Province, the Bill was read a third time and passed.

THE 1931-32 SUPPLEMENTARY SUPPLY ORDINANCE, 1933.

**The Hon. the Treasurer :—**

Sir, I move that a Bill entitled " An Ordinance to make Supplementary Provision for the service of the Colony and Protectorate of Nigeria for the year ending the thirty-first day of March, one thousand nine hundred and thirty-two " be read a second time. The Bill is purely formal, and legalises expenditure already incurred in 1931-32.

**The Hon. the Deputy Chief Secretary :—**

I beg to second the motion.

*Bill read a second time.*

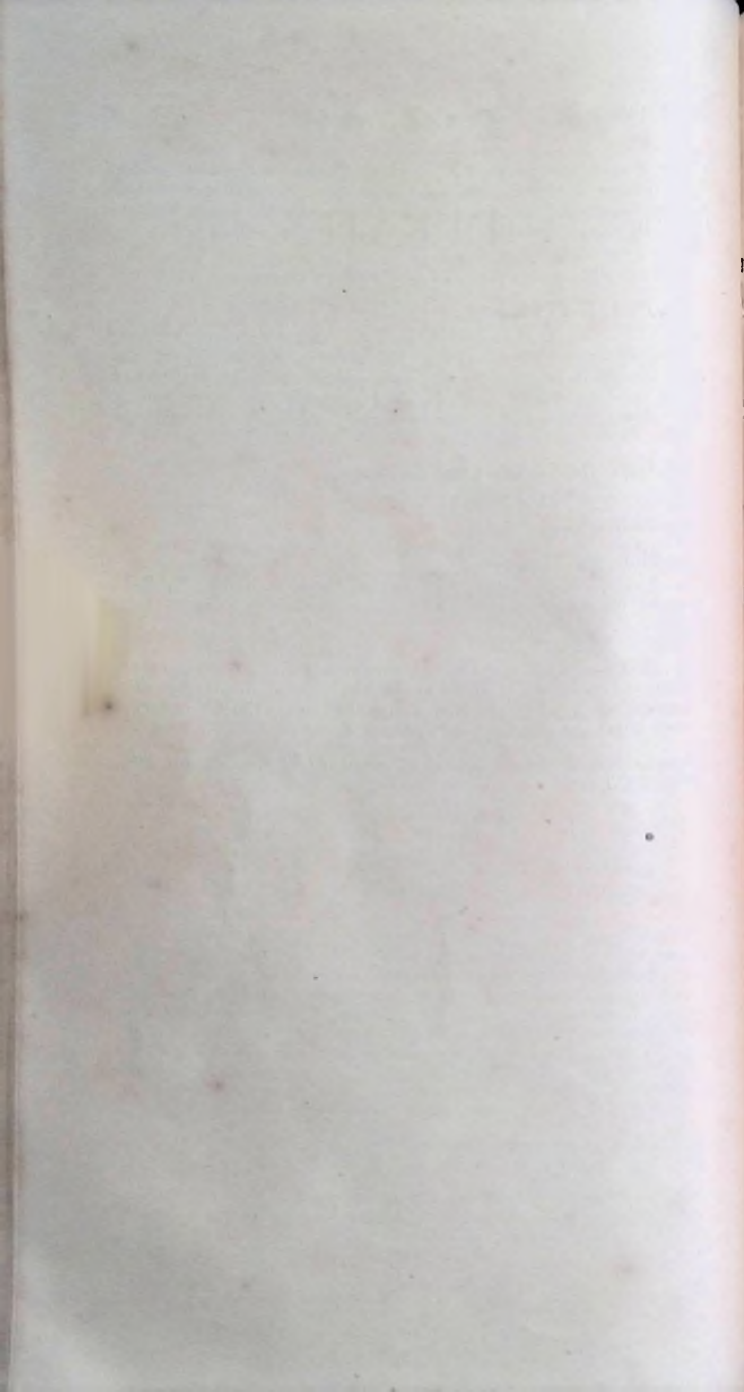
**The Hon. the Treasurer :—**

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

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Treasurer, seconded by the Honourable the Deputy Chief Secretary, the Bill was read a third time and passed.

*Council adjourned at 3.35 p.m. until 10.30 a.m. on the 9th March, 1933.*



DEBATES  
IN THE  
LEGISLATIVE COUNCIL  
OF  
NIGERIA

ON  
Thursday, 9th March, 1933.

Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 10.30 a.m. on Thursday, the 9th of March, 1933.

PRESENT.

OFFICIAL MEMBERS.

- The Governor,  
His Excellency Sir Donald Cameron, G.C.M.G., K.B.E.
- The Chief Secretary to the Government,  
The Honourable Mr. G. Hemmant, C.M.G.
- The Lieutenant-Governor, Southern Provinces,  
• His Honour Captain W. Buchanan Smith, C.M.G., M.C.
- The Attorney-General,  
The Honourable Mr. A. C. V. Prior.
- The Treasurer,  
The Honourable Mr. C. W. Leese, C.M.G.
- The Director of Medical and Sanitary Service,  
The Honourable Dr. W. B. Johnson, C.M.G.
- The Honourable Mr. E. R. J. Hussey,  
The Director of Education.
- The Director of Marine,  
The Honourable Captain L. J. Hall, O.B.E., R.D., R.N.R.
- The Comptroller of Customs,  
The Honourable Mr. E. C. F. Bird.
- The Secretary, Northern Provinces,  
The Honourable Mr. G. J. Lethem,

- The Deputy Chief Secretary,  
The Honourable Mr. A. C. M. Burns, C.M.G.
- The Acting Administrator of the Colony,  
The Honourable Mr. E. M. Falk.
- The Senior Resident, Ilorin Province,  
The Honourable Mr. H. B. Hermon-Hodge.
- The Senior Resident, Owerri Province,  
The Honourable Mr. O. W. Firth.
- The Acting Secretary, Southern Provinces,  
The Honourable Mr. G. G. Shute.
- The Acting General Manager of the Railway,  
The Honourable Mr. W. Cramer Bostock.
- The Director of Public Works,  
The Honourable Mr. C. L. Cox.
- The Director of Agriculture,  
The Honourable Mr. O. T. Faulkner, C.M.G.
- The Honourable Lieut.-Col. R. H. Rowe, D.S.O., M.C.  
Commissioner of Lands.
- The Honourable Mr. C. W. Duncan, C.B.E. (Provisional),  
Inspector-General of Police.

## UNOFFICIAL MEMBERS.

- The First Lagos Member,  
The Honourable Dr. C. C. Adeniyi-Jones.
- The Member for the Colony Division,  
The Honourable Sir Kitoyi Ajasa, Kt., O.B.E.
- The Second Lagos Member,  
The Honourable Mr. E. O. Moore.
- The Member Representing the Niger African Traders,  
The Honourable Mr. S. C. Obianwu.
- The Commercial Member for Calabar,  
The Honourable Mr. G. Graham Paul.
- The Member for the Egba Division,  
The Honourable Mr. S. H. Pearce.
- The Member for the Rivers Division,  
The Honourable Mr. Mark Pepple Jaja.
- The Commercial Member for Lagos,  
The Honourable Mr. R. F. Irving.
- The Member for the Warri-Benin Division,  
The Honourable Mr. I. T. Palmer.

- The Member for Calabar,  
The Honourable Mr. C. W. Clinton.
- The Third Lagos Member,  
The Honourable Mr. T. A. Doherty.
- The Banking Member,  
The Honourable Mr. L. M. Herapath.
- The Commercial Member for Kano,  
The Honourable Mr. T. Hepburn.
- The Member for the Ibo Division,  
The Venerable Archdeacon G. T. Basden.
- The Commercial Member for Port Harcourt.  
The Honourable Mr. P. H. Davey.
- The Member for Shipping (Provisional),  
The Honourable Mr. T. Whitfield, O.B.E.
- The Mining Member (Provisional),  
The Honourable Mr. J. D. Young.

## ABSENT.

- The Acting Lieutenant-Governor, Northern Provinces,  
His Honour Mr. G. S. Browne, C.M.G.
- The Commandant,  
The Honourable Colonel W. R. Meredith, D.S.O.
- The Senior Resident, Plateau Province,  
The Honourable Mr. H. H. Middleton
- The Senior Resident, Kano Province,  
The Honourable Mr. H. O. Lindsell.
- The Senior Resident, Calabar Province,  
The Honourable Mr. G. H. Findlay.
- The Resident, Niger Province,  
The Honourable Mr. H. F. Backwell.
- The Resident, Bornu Province,  
The Honourable Mr. P. de Putron.
- The Resident, Kabba Province,  
The Honourable Mr. H. B. James.
- The Resident, Warri Province,  
The Honourable Mr. J. W. C. Rutherford.
- The Resident, Benue Province,  
The Honourable Mr. E. S. Pembleton.
- The Member for the Oyo Division,  
The Honourable Mr. A. S. Agbaje.

## PRAYERS.

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

## CONFIRMATION OF MINUTES.

The Minutes of the meeting held on the 8th March, 1933 having been printed and circulated to Honourable Members were taken as read and confirmed.

## PAPERS Laid.

The Honourable the Chief Secretary to the Government laid on the table the Report of the Finance Committee on the 1933-34 Estimates.

## RESOLUTIONS.

The Hon. the Treasurer:—

Sir, I beg to move the following resolution:—

“ Be it resolved: That this Council approves the continuation of the compassionate allowance of £264 per annum towards the cost of medical treatment for Mr. C. L. Hawtin, late Treasury Assistant.”

Honourable Members are aware of the distressing circumstances of Mr. Hawtin's case. After seven years' service he contracted infantile paralysis and was entirely incapacitated. This Council has granted a compassionate allowance to Mr. Hawtin of £264 a year for the last four years, and this allowance has permitted him to employ an attendant to help him, and to engage medical assistance. The Council is now asked to continue this grant of £264 a year.

The Hon. the Banking Member (Mr. L. M. Herapath):—

I beg to second the motion.

*The resolution was carried unanimously.*

The Hon. the Chief Secretary to the Government:—

Sir, I beg to move that the report of the Finance Committee on the 1933-34 Estimates be adopted.

## THE 1933-34 ESTIMATES.

REPORT OF THE STANDING COMMITTEE OF FINANCE OF THE LEGISLATIVE COUNCIL ON THE DRAFT ESTIMATES OF EXPENDITURE FOR 1933-34.

YOUR EXCELLENCY,

The Committee sat on the 6th and 7th of March, 1933.

2. The estimates of expenditure of each Head of the Estimates were examined and the details of the alterations recommended are shown in the schedule to this Report.

3. The estimates of expenditure on Education were subjected to general criticism on the ground that value commensurate with expenditure was not being obtained. It was decided to put forward the estimates as framed and to leave it to Honourable Members to raise the question of policy in Council.

4. The financial effect of the recommendations is to increase the expenditure for the year 1933-34 by £22,629 and to decrease it by £4,874. The net increase is therefore £17,755.

G. HEMMANT,

*Chairman of Committee.*

Lagos,

7th March, 1933.

SCHEDULE.

*General Estimates.*

Head 3.	Agriculture.—For “ £98,235 ”	read “ £97,859 ”.
Head 9.	Education.—For “ £247,027 ”	read “ £247,682 ”.
Head 10.	Forestry.—For “ £57,851 ”	read “ £64,575 ”.
Head 11.	Geological Survey.—For “ £10,658 ”	read “ £10,808 ”.
Head 18.	Marine.—For “ £277,538 ”	read “ £277,478 ”.
Head 19.	Medical Services.—For “ £427,031 ”	read “ £432,756 ”.
Head 24.	Posts and Telegraphs.—For “ £164,713 ”	read “ £163,654 ”.
Head 27.	Prisons, Southern Provinces.—For “ £109,190 ”	read “ £107,390 ”.
Head 29.	Public Works.—For “ £151,688 ”	read “ £154,978 ”.
Head 32.	Public Works Extraordinary.—For “ £37,970 ”	read “ £38,520 ”.
Head 34.	R.W.A.F.F., Nigeria Regiment.—For “ £326,599 ”	read “ £330,625 ”.
Head 37.	Secretariat, Northern Provinces.—For “ £16,860 ”	read “ £16,870 ”.
Head 39.	Surveys.—For “ £66,678 ”	read “ £66,731 ”.
Head 43.	Railway.—For “ £159,584 ”	read “ £159,451 ”.

The total expenditure will accordingly be £4,920,675 instead of £4,902,920.

*Railway Estimates.*

Total Expenditure.—For “ £2,154,584 ” read “ £2,154,451 ”.

The Hon. the Treasurer:—

I beg to second the motion.

*The motion was carried unanimously.*

BILLS.

The Hon. the Chief Secretary to the Government:—

Sir, I 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 thirty-four ” be read a second time.

The general financial position, Sir, has been summarised in Your Excellency's Address and details of revenue and expenditure have been fully explained in the Memorandum on the Estimates. I do not therefore propose to go over the ground again. At the same time there is a desire amongst Honourable Members for further information regarding the estimate of Revenue from import and export duties, and I propose to take this opportunity to explain the position more fully.

As Your Excellency has stated the estimates of Revenue are not based upon any anticipated improvement in trade. They were settled at the beginning of February and are based on the results of the preceding six months, which showed a small improvement. They are based upon that small improvement being maintained, not upon any increase in that small improvement. In addition, the Comptroller of Customs estimates that the proceeds of the specific duties recently imposed will increase the revenue by £200,000.

Honourable Members have perhaps noticed a drop in the February receipts. The customs revenue is peculiarly susceptible to violent monthly fluctuations. This drop was foreseen and was expected as due to forestalling in January. At the same time I would remind Honourable Members that the February receipts are greater than the receipts of April, June and September of last year, and also that the combined January and February receipts are £50,000 higher than the January and February receipts of 1932. The estimate for the combined import and export duties calculated in the manner which I have just described has to be very considerably reduced before we get down to the total which appears in the Estimates before the Council. This reduction is by way of an allowance for forestalling which may have taken place in January, and for any possible deficiency in the estimate of the Comptroller of Customs, and when I say the estimate of the Comptroller of Customs, I mean the estimate of the yield of the specific duties.

Honourable Members will probably have noticed that in most Parliaments and Councils of the world it has been recognised that estimates of revenue must in these times be largely guess work. In the case of the Estimates before Honourable Members, I can assure Honourable Members that the guess is no haphazard guess. It is a guess based upon the certain knowledge that the revised estimate of import and export duty revenue for this year will be realised: it is based upon experience of the specific duties which more than justify the estimate of the Comptroller of Customs: it is based upon the results of recent months. The sole guess in the estimate is the guess which assumes that there will be no set-back in Nigeria. In view of the fact that the estimates are so based upon there being no set-back in Nigeria, I will, with Your Excellency's permission, quote from *The Times Annual Financial and Commercial Review*:

“ The improvement in the visible trade balance brought about by the policy of the National Government by no means exhausts the story of recovery that has taken place in Great Britain

“ in the past year. Nearly all the reports from the principal  
 “ centres of industry published in this review tell a better tale  
 “ than before. For the first time since 1920 the cotton industry  
 “ has begun to recover, the woollen and worsted trade has been  
 “ more active than for a long time, production of artificial silk  
 “ has been larger than ever before, and the linen trade looks into  
 “ a brighter future than it has done for some time. Factory  
 “ building is twice as active as a year ago, thanks to the tariff,  
 “ which is causing many new enterprises to be started here and  
 “ others to be extended. In the closing months of the year the  
 “ iron, coal, and steel industries, though by no means  
 “ prosperous, were hopeful that the bottom of the depression had  
 “ been touched.”

This is not entirely relevant, but it is relevant in everything except in its reference to improvements due solely to the tariff. Perhaps I might be excused also if I read a short extract from the speech of the Chairman of Lloyds Bank, Limited:

“ Although last year was in many respects, as I have said,  
 “ a year of disappointment, it was also to my mind much more  
 “ a year of preparation and expectation, and it may well be that  
 “ history will write its story in letters of red.

“ In putting that possibility forward I am not thinking  
 “ merely of the encouraging signs of improvement which we have  
 “ lately witnessed in this country, the slight rise in shipping  
 “ freights, the fact that there is 25 per cent less shipping laid up  
 “ in the Tyne than a few months ago, or the increased demand  
 “ in coal, iron, or steel.”

I quite realise that the real prosperity of Nigeria depends not only upon conditions in Great Britain but upon conditions in the world. At the same time conditions in Great Britain have such a world-wide financial and economic influence that I do not think it is unreasonable to expect that at least there will be no set-back in Nigeria. The Estimates are not based upon anything more than that, merely that there should be no set-back. In the event of a set-back Honourable Members have Your Excellency's assurance that measures will be taken without delay to meet the new situation.

**The Hon. the Banking Member (Mr. L. M. Herapath):—**

Your Excellency. By accident of my profession I have come to be regarded by Unofficial Members as their expert in matters pertaining to finance. It is for that reason that I am opening the debate on the Supply Bill. In doing so I would crave Your Excellency's indulgence and the indulgence of Honourable Members if, before coming to more important matters, I place before the Council my views on the position of the Unofficial Members. I will try not to bore you. Our position, as I see it, is this: we are a body of men, some of us elected by the electorate—those elected members enjoying the confidence of their electorate, and enjoying also the confidence of Your Excellency and Your Excellency's Government. The remainder of us are appointed members, and we are members, to quote the quaint language of our letter of appointment, in “ whose loyalty,

integrity and ability" Your Excellency, and Your Excellency's predecessors reposed confidence, We look upon ourselves as a body of honorary critics of the proposals which Government from time to time makes. We are in a definite minority in this Legislative Council, a minority which is due to no accident of the polls, but to definite design. With the principle governing that design we have no quarrel, but by virtue of that very fact we are not necessary in this Legislative Council when it comes to passing any type of legislation—legislation which is proposed by Your Excellency and Your Excellency's advisers. We are in the position of criticising the completed work of a body of capable men whose business it is to govern this country. In this House the official majority with their expert opinions and their votes are controlled by the Government itself. We Unofficial Members, on the other hand, are a body of men free to express our opinions and our views. We cannot control in any way the opinions of the individual members. The honours to which the successful Government official has to look forward are not for us. We do our work, the work which is strange to us, without fee but with a very substantial reward in the confidence which we may be able to inspire not only in the people of Nigeria, but in the official members with whom we have to compete. By virtue of our minority we are not capable of passing legislation neither are we capable of interfering with the passing of legislation. In just one respect are we capable of exercising any real influence. If by accident our vote is a solid one, our opinions are conveyed by Your Excellency's Government to the Secretary of State, and the responsibility for accepting those opinions or disregarding them is his.

I consider, and I think my colleagues the Unofficial Members will agree with me, that our duty is done when we have expressed to Government our considered opinions, and when we have made our recommendations. I do not consider that we have any power to dictate to Government in matters of detail. I do not consider that it comes within our province in the debate on the Supply Bill to criticise the number of pencils that may be used by the Public Works Department, or the number of messengers required by some of the other Departments. It is the business of every Head of Department to control his own detailed expenditure under the sanction granted to him by this Council in terms of the country's revenue and the country's expenditure. It is our business as far as we can to see that the country lives within its income, and I say again that when we have made our recommendations and expressed our considered views, our duty is done.

With regard to the Bill that is before us, Sir, I think that the Honourable the Chief Secretary to the Government and the Honourable Treasurer and Heads of Departments generally will have been struck in Finance Committee by the absence of any very detailed criticism of the Estimates placed before us. That absence of criticism on my part was pretty deliberate. We rely mostly on the information which emerges when we ask questions of Heads of Departments. Very few Heads of Departments ever volunteer information about any particular item.

We have to drop on a particular item if we are going to particularise at all, and if the Head of Department is lucky, we drop on an item that he cannot cut, or one that does not matter if it is cut. If I were a Head of Department I should thank my lucky stars if any item which seemed capable of criticism were avoided by the members of the Finance Committee.

Your Excellency has said that in these times no man knows what the course of world trade is going to be. No man can say with certainty what his revenue is going to be. But with very few exceptions most men can say what their expenditure is going to be. In framing the estimate of revenue Your Excellency and Your Excellency's very capable advisers have produced certain figures. They have produced those figures on certain information which they have obtained, and the result is that the Government of Nigeria expects to receive a certain quantity of revenue, and on those figures the scale of expenditure is arranged. The net result of our work in Finance Committee has been to increase the estimate of expenditure by some £20,000. In framing the original estimates of revenue and expenditure the Government assumes that there will be a certain small surplus. Now, Sir, we on our side are as far as possible ordinary prudent business men, and whatever we may lack in departmental knowledge, we hope that we are practical men. We also have framed an estimate of the country's revenue on certain particular lines which the Honourable the Chief Secretary to the Government admits. The information that we have at our disposal is slightly different from the information which Government has at its disposal. This information, in terms of pounds, shillings and pence, is such that we probably have greater facility of access to it than Your Excellency's advisers, and our estimate of the position is not such a happy one as is the estimate of Government. We estimate that the revenue for 1933-34 will fall short of the Government's expectations by an amount sufficient to turn the estimated surplus into an actual deficit. That, broadly, is the position. I do not propose to go into figures, but if the Government would care to see the basis on which I have calculated these figures, they are at all times available for their inspection.

Now, Sir, as a body of practical men we ask ourselves how we are to meet the deficit that we estimate the Government of this country will be faced with? In Finance Committee it was thought by a certain number of Unofficial Members, but by no means all, that certain Government Departments could at the present time stand a certain amount of trimming in their expenditure. We indicated what those Departments were, and on those broad lines, Sir, I claim that the Unofficial Members have done their duty. We have given, each one of us who is accustomed to dealing with figures, due consideration to the estimates put forward by Government, and in the same way we feel that our estimates of revenue are entitled to Your Excellency's consideration.

Among the Unofficial Members there are very few of us who can read a balance sheet, and still fewer who are capable of

breaking down that balance sheet. I happen to be one of the Unofficial Members capable of doing both. We claim, Sir, that unless a miracle happens, your estimate of revenue will not be received, and as practical men we do not place any faith on miracles. We claim that you are going to be faced with a deficit as far as we can see, and as no man knows actually what will happen, our opinion is entitled to respect, especially when it is backed up by a certain amount of financial knowledge. We have indicated, on certain broad lines the manner in which the adverse balance which we apprehend can be met. We as a body would deplore anything which would cause Your Excellency's Government to consider the question of increased taxation at the present time. There, I think, our responsibility ends. We have placed our views before you, and the responsibility for the acceptance of those views, or for ignoring those views, is, I claim, Your Excellency's and Your Excellency's alone.

May I end my remarks on a personal note. At the end of next month, with Your Excellency's permission, I hope to go on extended leave and I shall not be returning to this Colony until the end of October or the beginning of November. On the 28th of September next the term for which I was appointed a member of this Honourable Council expires. I would like to take this opportunity of expressing my great appreciation of the very many kindnesses which I have received during the last four and a half years from Your Excellency's predecessor, from Your Excellency yourself, from Honourable Members on the official side and from Honourable Members on the unofficial side. I have tried to the utmost of my ability in the last four and a half years to give this Council the benefit of my unbiassed views. I have spoken freely, and it is possible that I have given offence to individuals. If I have I beg to express to those members my regret. No offence was meant, and if such offence has made me any enemies, yet these years I have served in the Council have made me many friends. I have been brought into closer touch with officials and unofficial members than I could ever have expected to be brought had I not been appointed to this Council, and, Sir, I trust that the special confidence reposed in me by Your Excellency's predecessor has in no way been misplaced. (Applause).

**The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul):—**

Your Excellency. In rising to speak on the second reading of this Bill I do not propose to detain this Council at any great length. I am not going to follow the Honourable Banking Member into a very lengthy discussion of the position and the duties of Unofficial Members of this Council or into the way in which to the best of their ability they have discharged these duties.

There are, however, one or two things to which I should like to refer. It is a striking thing that at this time of stress when Your Excellency's Government's estimates are referred to the Finance Committee, that they should come back to this Council

with an increased expenditure. That, in my experience of this Council, is quite a usual thing. It seems an anomalous thing that a Finance Committee, with an overwhelming majority of Unofficial Members, who are all inclined to suggest that Government is being extravagant, should yet return the estimates with that increase, but it is, and I have said it over and over again, it is impossible for Unofficial Members in Committee to do anything but approve obviously extravagant details of expenditure. When these estimates, prepared as they are by Heads of Departments with considerable experience in the preparation of estimates, come before us in Finance Committee it is almost impossible for a conscientious Unofficial Member, even if he thinks the estimate of a particular department is too big, to move a definite resolution cutting out a particular item of expenditure. It is like looking at a piece of complicated machinery which one wants to house in a building of a certain size, and finding it too little, tries to adapt the machinery to the building. You might be, and probably would be throwing the whole machinery out or gear. You must rely on the engineers and manufacturers of that machinery to tell you in what way the machinery can be reduced to a size to fit the building. That is my feeling when we go into Committee. The other extraordinary thing about this Report of the Select Committee which has been presented is that the Committee has taken in dealing with it, I think, without exception the shortest time it has ever taken in dealing with Estimates. That also seems peculiar at a time of financial difficulty such as we have at present. But there are reasons for that, and I think one of the foremost reasons is the realisation by Unofficial Members that Your Excellency's Government, inspired by yourself, Sir, have done practically all the pruning with regard to details that could be done on these Estimates. Also I think the shortening of time taken is due to the helpful attitude of Heads of Departments and to the extremely helpful attitude of the Honourable the Chief Secretary who presided over our Committee. But I think, Sir, that there is a third reason why we can deal with Estimates in a shorter time now and it is that the Unofficial Members of what after all is a very young Council have learned in the past few years a great deal about the administration of Government Departments, and they do not therefore waste so much time in questions which in previous years used to occupy a good deal of the time of the Committee. I think I am right in saying that the Honourable the Chief Secretary, for the first time in my experience, at this meeting of the Committee had not to go into an explanation of the differences and similarities between the pensionable emoluments of an office, the Duty Pay, and the Travelling Allowance.

**His Excellency:—**

There is no Travelling Allowance this year!

**The Hon. the Commercial Member for Calabar (Mr. G. Graham Paul):—**

That may be the reason then, Sir, why that hardy annual did not take any time in Committee. Now in regard to expenditure,

we are faced in round figures with an expenditure of £5,000,000. I have endeavoured with the assistance and advice of the Banking Member and in discussion with members of Your Excellency's Government to arrive at some critical analysis of the Government's expectations of revenue for the coming financial year, and I frankly admit that I find it extremely difficult either to say that the Government estimate is optimistic or pessimistic, and I find that I entirely agree with what the Honourable the Chief Secretary said, that at a time like this that difficulty is not confined to ignorant Unofficial Members of this Council but that it is felt by expert financiers in particular institutions and banking houses all over the world.

Also, Sir, as regards the estimate of Revenue I have very little to say. In round figures, as I have said, we are faced with an expenditure of £5,000,000. Your Excellency will remember that last year it was suggested by the practically unanimous vote of the Unofficial Section that the item in the expenditure for Personal Emoluments was too large. At the present moment, on the present Estimates, and in round figures, of that expenditure of £5,000,000 which we are budgetting for, about £2,500,000 goes in Personal Emoluments and in pensions. That to my mind still seems more than the Revenue of Nigeria at this time can justify; but that has been before Your Excellency and Your Excellency's advisers, and the responsibility of rejecting my proposal on this question has been taken by the Government of this country. In regard to that point I am inclined to differ a little from the Honourable Banking Member in placing the responsibility entirely on the Secretary of State. It seems to me that the Secretary of State, and quite rightly too, places a great deal of confidence in the local Government of the Dependencies of the Empire, and I am perfectly certain that if one had the figures to show what percentage of recommendations of the local Government of Nigeria were turned down by the Secretary of State, it would be a surprisingly small one. But, Sir, Your Government has taken the responsibility of turning down my suggestion, and I do not propose to repeat the Resolution which I considered it my duty to make at the last financial meeting of this Council. I may be told that the position now is different from then; that whereas when the Estimates were put forward at the last financial meeting of this Council we were budgetting for £460,000 deficit on the year's working, this year we are budgetting for a surplus, that different considerations apply, and Your Excellency has said in the Address which has been laid on the table that the outstanding feature of the Estimates is that the Government has achieved the task of balancing the budget, including the deficit on the Railway, without resorting to increased taxation, or other drastic measures. That, Sir, is an achievement of which I think Your Excellency can be justly proud, but it seems to me only right to point out in this connexion that whereas there has been no increased taxation provided for in the coming financial year, we have on the other hand the statement made to us in Committee by the Honourable the Comptroller of Customs that an increase of revenue to the tune

of a quarter of a million pounds is expected in the year for which we are budgetting, as the result of a change in the methods of taxation. It is difficult, Sir, to see that there is no increase of taxation in the coming financial year as compared with the position at the outset of the last financial year, and the increase in the import duties expected, owing to the change in the system of taxation, is going to be paid by, or to a large extent paid by, the natives of the Protectorate in the charge of Your Excellency's Government. That is a consideration which I submit goes a long way towards my suggestion that with regard to the Resolution moved at the last meeting, the position is not so changed that that Resolution does not require consideration.

I see from the Memorandum on the Estimates that the suggestion which was made on the Resolution last year to which I have referred has not altogether failed to find a reflection in the programme of Government for next year, as at paragraph 17 of the Memorandum on the Estimates we find:

"While the personal rights of those already employed have been preserved, the scales of salaries for Office Messengers and Motor Drivers have been revised downwards."

Then follow particulars of the revision which show a cut of about 16 per cent. The paragraph finishes up with these words: "These revised rates of salary are more in accord with the capabilities of the men employed and the rates paid for similar work by private employers."

That, Sir, is a very small straw, but it does show the way in which the idea behind the Resolution moved a year ago is moving. I did not intend that there should be any repercussion on office messengers and motor drivers, and I trust that to that extent the responsibility for the action taken will not be laid at my door.

It has been indicated to us that when a vacancy occurs in the Government service, Your Excellency's Government is going to scrutinise very carefully the question whether it is necessary that that particular office should be filled. I entirely agree that that is a very sound policy, but I think that when an office becomes vacant Your Excellency's Government might go a little further and consider whether that office as regards new holders did not require scrutiny as to whether the emoluments were commensurate with the duties of the office, and when that opportunity occurs I trust that the possibility of reducing the emoluments of far as to say the probability of reducing the emoluments of that vacant office might be considered.

Your Excellency has laid on the table a most interesting and exhaustive Address, on which by the custom of this Council it is not considered necessary to move a vote of thanks, but I think that Your Excellency is aware of the great interest that that Address will provide for the Unofficial Members of this Council. In that Address, and I think by the same custom of this Council I may be allowed to be irrelevant on the second reading of the

Finance Bill by touching on matters which are embodied in Your Excellency's Address, I should particularly like to say a word or two on the projected judicial reforms which are foreshadowed. (Cheers). I am encouraged in this irrelevancy by the fact that very shortly I am going home, and it is possible that the stages of the Bills—which have already been published—may be taken in this Council before my return. I am not going in any detail into those Bills: they have been published with a view to encouraging all parties interested to bring forward their criticisms, but I think that before their publication can be successful in that purpose, there must be a little more detail given to the public. It is impossible on a perusal of the Bills to say to what extent appeals from the Native Court and the Magistrate's Court to the High Court are going to be given. It all depends on what is to appear in the warrants of Protectorate Courts, and that is one point which I think will exercise the minds of the people interested in these proposals. I am a little disappointed to find, not that the Provincial Court has gone or is going, but that we are still to have an accumulation of Courts. It has always seemed to me that the reforms ought to proceed on the lines of eliminating the Provincial Court system altogether by modification and extension of the Supreme Court and by the modification of the Native Court procedure without the complication of the addition of a third Court. As regards the naming of the Courts, the High Court and the Supreme Court, one is familiar with that, though apt to forget sometimes that the High Court in England is the ordinary Court of first instance, and the Supreme Court the Appellate Court, but there seems to me to be no reason why in this country we should have the complication of all these Courts. As far as one can see from the Bills the intention is to have the Native Court and the High Court exercising concurrent jurisdiction over many parts of the country in many matters. The High Court is apparently to have no jurisdiction to deal with cases regarding the occupation and ownership and so on of land, and when it is the intention to set up Courts of concurrent jurisdiction, it is a very difficult thing to avoid all sorts of extraordinary positions, and in this I foresee at least one extraordinary position. Trespass on land is a very common thing in this country. I do not care if it is in Native Court records, Provincial Court records, or Supreme Court records, if you search you will find there is a good deal of trespass on land and consequent litigation, and an extraordinary position is going to arise. If a man trespasses on your land, being a native of the country, and you put him off as you are entitled to do using the minimum amount of force necessary in so doing, two possibilities of litigation arise. He may sue you for assault, and you may sue him for trespass, and the extraordinary position then would be that the native would bring his action for assault in the High Court, and the defence would be that it was not assault but that he was merely being put off the land; and the other case would be in the Native Court for action of trespass, and the Court might arrive at a different

decision from that given in the High Court. That is one of the absurdities which is likely to occur unless something is done to eliminate the complication of Courts with concurrent jurisdiction. Personally, Sir, I can see no reason why the whole situation could not have been met under the existing Supreme Court system. Of course in regard to the criminal cases which now are to be taken in the High Court, if the old Supreme Court were to deal with these it would require additional judges, but additional judges are being provided under the High Court scheme, so that there would be no difference with regard to that point and no extra expense involved; and even were it decided to keep on the Supreme Court and the Native Court it would have been quite possible for the Supreme Court satisfactorily to deal with land cases.

Now, Sir, I have had a good deal of experience in one way and another in land cases in this country, and there are a number of things that are quite clear in my mind as a result of that experience. One is that a land case in the more primitive parts of the country cannot be satisfactorily tried unless the land is visited, either by the Court or by someone appointed by the Court. Another thing is that it is perfectly hopeless to deal in the Supreme Court on a type-written record in an appeal regarding a land case which has been tried in a lower Court. My suggestion, and I have made it over and over again to judges of the Supreme Court is that where a land case is involved, the Supreme Court should take advantage of the section which empowers it to refer to a Commissioner questions involving prolonged local examination. The same section is made use of by the Supreme Court when accounting cases come along. They are referred to an expert accountant who goes into the whole question with the parties and eventually reports to the Court, and is available to be called upon by the Court to give explanations in regard to his report and to the evidence he took. It seems to me that if that plan had been followed it would have done away altogether with the necessity for this complicated addition of a High Court.

I have read, Sir, with the greatest interest Your Excellency's enunciation and explanation of the principles governing Indirect Administration in Tanganyika, and I do not wish to be tempted into anything like an exhaustive discussion of the subject. I should like however to associate myself very shortly with the views which Your Excellency has expressed and in which rightly or wrongly I seem to detect something new when Your Excellency accentuates that indirect government is a means to an end and that it is not designed to preserve a museum piece of middle age civilisation, or to prevent it developing and progressing by getting into touch with the ordinary development of countries round about it and associated with it.

As regards the Southern Provinces it is with great pleasure that I testify to the work which is being done in the way of discovering the clan systems and the natural heads and traditional rulers of the people. Owing to the kindness of His Honour, the

Lieutenant-Governor of the Southern Provinces, and of his officers in these Provinces I have been given an opportunity of seeing the enormous amount of work which is going on in this connexion. Intelligence Reports which have been prepared show an enthusiasm and much painstaking amount of work on the part of the Administrative Officers, and provided that that enthusiasm is maintained, and provided that that enthusiasm avoids what I rather anxiously regard as one of the pitfalls of this kind of investigation—I mean the tendency, if you are looking hard for something and very anxious to find it, of imagining that you have found it, when really it exists only in your own idea—then I think there will be little danger, and from what I have seen of the Intelligence Reports of the Southern Provinces, that danger is being well kept in view.

Well, Sir, I think I have trespassed sufficiently on the time of this Council, and I have nothing further to add. (Applause).

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

Your Excellency. I do not know whether there was any reason for the Honourable the Commercial Member for Calabar to have apologised for dealing with matters referred to in Your Excellency's Address, because I have always thought it competent for every Member of this Council to discuss Your Excellency's Address on the second reading of the Supply Bill. Before proceeding, Sir, I should like to reply to the personal note of the Honourable the Banking Member. I should like to take this opportunity to assure him that he has never at any time offended any of the Unofficial Members, in fact we have greatly appreciated his services because he was always willing to advise us at any time on any of the financial matters that came before this Council, and with which we have to deal. (Hear, hear).

Your Excellency, I desire in the first place to congratulate you upon the successful financial position of the year. Since the last budget Session held at a time of acute financial depression, things have at times looked very gloomy, and from all the information that we could gather it appeared very uncertain whether you would be able eventually to balance the Budget. But that has been done successfully much to the relief not only of the Members of this Council, but also to the relief of the public in general. That Your Excellency has been able to do so we know very well that it required any amount of courage and also that it required any amount of vigilance (as you have stated in your Address) in supervising and scrutinising the finances of the country.

Those of us who were present at the Finance Committee, as my Honourable friend the Commercial Member for Calabar has said, will remember it as the shortest meeting on record, and I think that was due to the fact that on looking through the Estimates one noticed that they must have had the constant vigilance and scrutiny of Your Excellency, so much so that there was very little we could save. I should also like to associate myself with my Honourable friend who has just spoken in

referring to the willingness at all times of the Honourable the Chief Secretary to give information, and may I also be permitted to associate in this matter our old friend, the Honourable the Treasurer.

The Honourable the Banking Member has foreshadowed a deficit. He is a very great authority on financial matters whose ideas I greatly respect, but I hope that in this instance his prophesy will be falsified. Be that as it may, Sir, I am sure that no one appreciates the fact more than Your Excellency, that we are still in the wood, and therefore that the constant vigilance which has so far helped us to weather the storm will not be relaxed, and that we shall in due course be able next year to balance our budget successfully. Your Excellency, I have always thought that the recent troubles we have passed through are a sort of punishment for our extravagance in the past, when we were spending money as if Nigeria had a bottomless purse, when we were putting up buildings some of which were of a size altogether unjustifiable, and not always, Sir, with the consent of the Unofficial Members, but very often against their expressed views. I hope that we have founded a new phase, and that it will never again be found possible for any Administration to indulge in such extravagances as we have done in the past.

I should like to refer, Sir, to the question of indirect Administration, or Indirect Rule on which Your Excellency has dealt at length in Your Address. I have read those passages very often since that Address was laid on the table, and I find that many of them apply to myself personally. I must make this confession, Your Excellency, that I am one of those who have always doubted the wisdom of Indirect Administration: one of those who have always thought that it would not be for the good Government or uplift of the natives of this country, but, Your Excellency, I must confess that you have thrown a new light on the subject as far as I am concerned. I think these illuminating passages ought to be read by everybody whether they are for it or against it, and also I think that they ought to be read and carefully studied by those officers who are responsible for carrying out this policy of Indirect Administration. There is a passage which Your Excellency has quoted from an article written by Professor F. Clark of McGill University which has struck me very forcibly because before this I had always thought, that whether intentionally or not, the object of the Administration was that the natives should "stay put". But I do not think so now, and I am ready to accept Your Excellency's assurance that it is the avowed intention of the Government to see to it that the natives should not "stay put". As I have said, I hope to read, mark, learn and inwardly digest those words, and I hope in due course it will help to take me out of the category of those whom Your Excellency has described who at long intervals pay visits to the tribes to which they belong and who very soon after scuttle away "as fast as modern transport can take them." On reading that I thought Your Excellency was speaking particularly of myself, but I think those words apply as fully to many of my

Honourable friends, and I hope that one result of reading those passages will be to take them out of that category. (Hear, hear).

The Honourable the Commercial Member for Calabar also referred to the judicial reforms foreshadowed by Your Excellency. I make bold to say, Sir, that one of the great achievements by which your Administration will be remembered in the future will be by these judicial reforms foreshadowed in these new Bills. (Hear, hear). I am sorry the Honourable Commercial Member for Calabar will not be here when these Bills are before the Council, for there is no doubt that in due course we shall have to submit certain amendments to Your Excellency, but I have no doubt either that all amendments submitted to Your Excellency will have due and careful consideration. Since these Bills have been published I have not been able to study them as I should have liked, but reading them generally, I consider there is no doubt that they make a distinct advance in the judicial administration of this country.

In the first place it is proposed to abolish Provincial Courts. I think Your Excellency will remember that some time before you left us for Tanganyika we Unofficial Members started to agitate in this Council for the repeal of the Provincial Courts Ordinance. We continued our agitation after you had left and up to very recently that same objection has been urged before this Council. It is very pleasant to see that it has been decided at last to remove that objectionable Ordinance from the Statute Book. Apart from that, Sir, these new judicial reforms confer the right of appeal from a Native Court, and that is a very good thing. It also effects the divorcement of the judicial from executive functions. That is also a very good thing, and also it gives Counsel the right of attendance in the Protectorate Courts that are to be established. Your Excellency, that has always been one of our grievances, that Counsel have not been allowed to practise in the Provincial Courts, and we have often urged it not only in the interests of Counsel and legal practitioners, but in the interests of the individuals themselves. I am very pleased to see, Sir, that that change has come at last. Another change which I am pleased is likely to be effected by these judicial reforms is our association with the West African Court of Appeal. During the eighth Session of this Council, in January, 1930, Sir, I moved the following resolution before this Council:—

- “ That this Council considers it desirable that the Supreme
- “ Court of Nigeria should be associated with the
- “ recently-established ‘ West African Court of Appeal ’
- “ and humbly requests the Government to take
- “ immediate action to secure that object.”

That motion, Sir, was successfully opposed by the then Acting Attorney-General, now Attorney-General of the Gold Coast, and I should like, with Your Excellency's permission, to read a passage from the speech I made on that occasion :

- “ It is for this reason, Sir, that I have submitted this
- “ motion, and I strongly appeal to the Unofficial Members

“ to vote solidly for it, and if Your Excellency will be  
“ pleased to allow a free vote, I appeal also to the Official  
“ Members of this Council to give their votes in favour of  
“ it, because as I have said before, the participation of  
“ Nigeria in the scheme would tend to make the administra-  
“ tion of justice more effective, and would give general  
“ confidence to the people.”

I have no doubt, Sir, that the general public will welcome these judicial reforms, as I think also will the present Judges themselves.

I should like to refer shortly to another question, and that is to the abolition of the Administrator's office. I think, Sir, it is a very wise step. Some time ago, in the year 1917 or 1918 when this office was established, and the holder of the post carried the rank of Resident, I asked a question in the old Legislative Council: “ What were the duties of the Resident?” I felt even at that time that there was no necessity for the post. I received the usual answer given by Government—the Government is always willing to give information, Sir, even when it has none to give—and I received what I thought was a most unsatisfactory answer. I make bold to say, Sir, that since the existence of that office, capable officers have been consigned to it who should have been in other offices doing good work, but they have been kept in that office and hard put to it to find something to do. The result also has been further extravagance on the part of Government in putting up a large building in Broad Street for the offices of the Administrator of the Colony. I think I can safely say, Sir, that the abolition of that office will not be regretted by many.

The other subject I wish to touch upon is education, though, Sir, I feel that it will not be necessary for me to go into it at length; it was discussed in Finance Committee, and it would appear that our bark is worse than our bite. I have no doubt that this subject of education attracts a very great deal of attention nowadays, and Honourable Members attach a great importance to it, and rightly so. I think the Honourable the Director of Education spent a longer time in Finance Committee than any other Head of Department: he was, and rightly so, subjected to what would be called in another place “ rigid cross-examination”, and I hope also that he enjoyed it. The result of that cross-examination was whether we should table a motion to reduce the vote of that Department, or whether we should just have a general discussion of policy. We preferred not to move a resolution to reduce the vote, but to have a general discussion, and it is for this reason that we have put forward this motion, which I find on looking at it very carefully, very difficult to understand myself. The subject of education, Sir, especially at our present stage of development is a very important one. It was only about three years ago that the present Honourable Director of Education enunciated his policy in this Council. I then took an opportunity to offer some criticisms on the policy of the Government, and my complaint at that time was that there had been too many changes in the past in the policy of successive

holders of that office. Your Excellency, I think it is only right and fair that we should give the scheme which was operative in 1930-1931 full opportunity to develop before we can say anything. As the Honourable the Chief Secretary pointed out it takes more than five years before one can see fully the results of an educational policy. One must make all allowances for stupid boys, and for boys who, for some reason or another have been unable to remain long enough to complete the course, and so on, before one can see whether any definite policy is good for the country or not. But, Sir, I do not think that any country is ever satisfied with their scheme of education, and rightly so. I came across an article in the *London Times* some time ago which contained, I thought, some interesting information. An Association in the North of England at a meeting passed this resolution:

“ That this Association is of opinion that having regard  
 “ to the paramount importance of a sound system of national  
 “ elementary education, there should be a re-consideration  
 “ by Government of the present elementary curriculum with  
 “ a view to ascertaining:—

“ (a) Whether it tends to increase unduly the supply of  
 “ clerks?

“ (b) Whether it is overcrowded with subjects?

“ (c) Whether it tends to the imparting of knowledge  
 “ rather than true education of character and intellect?

“ (d) Whether the education is sufficiently varied to meet  
 “ the needs of differing local trades and industries and  
 “ generally.

“ (e) Whether the nation receives an adequate return for  
 “ the magnitude of the expenditure?”

It is not surprising therefore that we here should have raised this question.

There is something, Sir, like false economy, and I for one think that interference with the vote on education in the Estimates of Expenditure would be false economy. Your Excellency has said in this connexion that the establishment of the Higher College was an integral part of your policy by which Africans are to replace, wherever possible, Europeans in their posts, and with that policy every African must agree. I am not here for the purpose of defending the Education Department because I know that the Honourable Director is sufficiently able to take care of himself, but as one who is very interested in the subject, I thought it right to make these few remarks. I thought when looking at the vote of this department and comparing it with that of the Gold Coast, that it compared very well indeed. We want something not more elaborate, but something quite as effective, and I have no doubt that in due course those responsible for the educational policy of the country will be able to attain it.

Your Excellency, I have not much more to say. I see there is a vote of £400 made under the Estimates of the Colony for

unemployment. I feel, Sir, that that is not enough for I am afraid that the question is likely to become more serious in the very near future.

Before I sit down, I wish to associate myself unofficially with the tribute that Your Excellency has paid to our late Lieutenant-Governor of the Northern Provinces, Mr. C. W. Alexander. I knew Mr. Alexander when he first came out to the Colony: he was at one time Commissioner of Lands, but of course in those days that office had not such importance as it has today. I think it was housed in two rooms downstairs in this building. Mr. Alexander was then transferred to the Supreme Court as a Magistrate, and I remember practising before him. It was always difficult to read him. He would never interrupt. He would let one go on with one's argument, but when he gave his judgment it invariably gave satisfaction. Then shortly after the unfortunate Egba rising of 1918 he was appointed Resident of Abeokuta. Within a month or two of his appointment to that office he had been able to settle the trouble in that country, and within a very short period he enjoyed the full confidence of the people, and of the Alake. It was not surprising, therefore, when one learned in a few years' time that he had been appointed Lieutenant-Governor, a post which he has filled very creditably and well. We regret the cause of his retirement and we hope that it will be possible to effect a cure, and I wish to express the hope that he may live long to enjoy his well-earned pension.

**The Hon. the First Lagos Member (Dr. C. C. Adeniyi-Jones):—**

Your Excellency. As I was absent from this Council in June of last year I had not the opportunity of adding my quota to the sentiments of appreciation of the activities of your Government since you assumed its reins, sentiments, Sir, which I find were happily expressed by the Honourable Member for the Colony Division, and the Honourable Second Lagos Member, and recorded in the local Hansard. Today, Sir, I wish to associate myself in the first place with those sentiments, and to express on behalf of the community their sympathy to Your Excellency's administration for those of Your Excellency's officers who have been removed by death. In this connexion I would like to mention the name of one officer although it may be considered rather late in the day, and that is Mr. W. K. Duncombe. Mr. Duncombe, during his lifetime was an ideal and excellent departmental administrator: he was to all appearances a Christian and a gentleman, and he was considered by His African staff as their father. It is a thousand and one pities that he should have met his death just on the eve of his retirement and what would have been a well-earned pension, but that must have been the irony of fate. The large concourse of Africans who on that memorable day accompanied his mortal remains to Ikoyi bore excellent testimony to the fact that an African is capable of recognising a good and true man when he sees one, and appreciates his man at his value. Today we have in Mr. Duncombe's

place as Comptroller of Customs, Mr. E. C. F. Bird. May it soon be stated of him, Sir, if it is not done already, that the mantle of Elijah has fallen on Elisha.

Of the activities of Your Excellency's Administration, the most outstanding seem to have centred themselves upon Your Excellency's financial policy of economy, a policy which you embarked upon even before your actual arrival in the Colony, a policy which confirms once again the opinion of Sir Hugh Clifford, our late Governor, in 1925 when he referred to the ceaseless care needed in maintaining economy, a policy which has saved Nigeria at the most critical period of her history from the verge of financial ruin. The clear note of that policy has undoubtedly been drastic retrenchment and a measure of increased taxation, and the measures which have been adopted in carrying out that policy have undoubtedly occasioned a conceivable amount of hardship in many quarters; but I think it can be safely said that in no instance which has been brought to the knowledge of Your Excellency has injustice been allowed to superimpose upon hardship. The efforts of Your Excellency in rehabilitating the finances of this country will depend for their success on the measure of support which Your Excellency will receive from the Heads of your various Departments, so that whilst Your Excellency will be engaged in exercising your strict vigilance over what I call the "departmental allotments" of the various Departments, I am sure it will be the duty of each Head of Department to exercise his own strict vigilance by assisting Your Excellency from time to time in relieving his respective Department of all fancy or redundant posts, and of the holders thereof. It should be the duty of each, in maintaining his own strict vigilance, to see that the wage Bill of his respective Department is not encumbered or burdened with any extraneous item. He should continue carefully to scrutinise all the commitments of the Department, particularly those for building materials, those for road making materials, and such like. The reason for such scrutiny, Your Excellency, becomes obvious, the idea being that when a Head of Department buys 1,000 bricks for instance, or a ton of granite, he should see that he gets full value for his money, and is not paying for that same supply twice or thrice over. Heads of Departments, Your Excellency, in our humble opinion, should continue to maintain the strictest economy over all stores of their Departments, particularly unallocated stores and petrol.

Talking about stores, Sir, brings me to the question of the Public Works Department and Government timber. On more than one occasion in the Supplement to the Gazette, I have read an advertisement of this nature:

"The Director of Public Works is prepared to consider offers for the purchase of stocks of timber, held surplus to present requirements, in scattlings, baulks, ceiling boarding, weather boarding, match boarding, and flooring blocks."

This seems to leave the impression, Sir, that the Public Works Department has for some time now been engaged in selling, either by public auction or by direct sale, large supplies of timber and even though the advertisement says that that supply is stock held surplus to present requirements, one is inclined to ask why it is that the Public Works Department have made such large purchases as to leave such large surpluses to requirements as to necessitate now and then the depletion of these stocks by sale. In these days of economic depression when every man in the country is hard put to it to provide ways and means to meet his legitimate dues, the local timber dealers seem to think that these frequent sales constitute a competition by the Public Works Department which they feel ought not to continue for any length of time.

Further, Your Excellency, I think Heads of Departments should continue to exercise their own vigilance by being very sparing in the use of private railway coaches, for instance, private Marine launches, for instance, and in the issue of railway passes; and when all attempts such as the above are being made to maintain the strictest economy which is so very desirable, then whatever extra taxation it may be found necessary to impose, the community will ungrudgingly bear their respective burden, because we know that there is a host of legitimate requirements of Government which necessitate the constant expenditure of large sums of money, and which cannot be met except by taxation.

Your Excellency, with the exception of congratulating you for having accomplished the Herculean feat of balancing your Budget, I will refrain personally from making my own observations on Your Address to this Council until probably the next meeting when the measures foreshadowed in that Address may be brought up for consideration: but this I must say, Sir, that from your Address we hope that when those reforms will be accomplished they will prove—as was stated in a letter I received this morning—a means of judicial expansion consistent with the progressive tendency of modern times.

I should like to be permitted to mention one very trivial matter, Sir, and that is the activities which have brought about the re-opening of the Christian and Pagan cemeteries at Ikoyi, and the Mohammedan cemetery at Oke Suna. It is in small details such as these that the sympathy of the great body of the community is attained, which is one of the attributes of good Government.

The next point to which I wish to draw attention, Sir, revolves itself around the question of education. I am one of those, Sir, who feel that educational activities ought constantly to be on the increase in all our Crown Colonies. The reason for that can be said to be set forth in a little book I have here entitled "East Africa in Transition" being the report of the Hilton Young Commission. On page 27 of that book we read as follows:

"Economic, social and political advancement depend  
"on the growth in capacity and intelligence of the

“ whole population, of which the natives constitute  
 “ 99 per cent. The education of the majority of the  
 “ population is, obviously, a matter of cardinal im-  
 “ portance for the well-being not only of the native  
 “ peoples but of the other communities.”

Hilton Young also states that education is one of the greatest implements of the State because without it the masses will not be able to appreciate or to understand rules and regulations and laws which it may be necessary to introduce, nor yet will they be able to cooperate with the governing body in enacting those laws.

No one can conscientiously say that there has not been evidence of increased activities in the Educational Department of this country during the last ten to twelve years, but whether those activities invariably result in increased facilities for the education and progress of the country is a point upon which opinions seem to differ. From my own point of view, Sir, I am sorry that it has been found necessary for the present to limit the highest standard in the primary schools to Standard IV. In the same book from which I have already quoted there appears the following passage:

“ Since the Government is committed to promoting the  
 “ welfare and advancement of the people in every way,  
 “ it must be one of the aims of education to open to  
 “ Africans the opportunity of advancing as far as they  
 “ can and to place at their disposal all the stores of  
 “ western knowledge. ....  
 “ Practically, however, at the moment the education  
 “ of the masses and the consequent raising of the  
 “ level of the general life of the people has the more  
 “ immediate claim on attention. . . .”

I am not forgetting the establishment of Middle Schools and of Higher Colleges, Sir. These we welcome with open arms and we appreciate them very highly indeed, but it would appear, Sir, that those establishments do not concern the masses whose interests I am advocating. On the question of the educational policy of Nigeria Your Excellency laid stress on the point that whilst you agree with the importance of vernacular education, yet you hold that English should be properly taught in the schools, and that “ pidgin ” English should by no means be encouraged. This pronouncement considerably relieves our minds of the fear of vernacular education being made a sort of fetish as far as the educational policy of this country is concerned. Vernacular education is, I know, a subject which has been engaging very seriously the attention of those into whose custody the educational policy of the Crown Colonies is entrusted, but I do not think, Sir, that there need be any anxiety on the part of those authorities that vernacular education as far as the literature of the various Colonies is concerned will suffer very considerably, for we know, Sir, that for many years all the translations from and into the vernacular were done, and correctly done too, by men who were educated under the Code in which vernacular

education did not find such a very important place. Besides, Sir, English is admittedly the *lingua franca* of the British Empire, and therefore I feel that the teaching of English should commence with school life and should continue during the whole period of school life; or to put it in another way, that vernacular instruction should not be encouraged at the expense of English instruction.

On this subject of education, Sir, I am not unmindful of the important part which technical education has yet to play in the progressive development of Nigeria, and I appreciate the existing facilities for forestry and also for medical training of the youth of this country, and the technical training given in such Departments of Government as the Railway, Marine, Posts and Telegraphs, and the Public Works. But that does not seem to be all, Sir. There are indications which leave the impression that there is a measure of dissatisfaction among the pupils in training. Some of them—rightly or wrongly, I am not in a position to say—say that there is a margin of difference between what they expect and what they actually get, and this does not refer to their careers after the completion of their apprenticeship, but if I understand the matter correctly, to the actual instruction which they receive. Then again, Sir, the mechanics have a feeling that whereas pensionable offices are the rule with their colleagues in the clerical branch of the service, with them pensionable offices are few and far between, indeed they consider that pensionable offices are exceptional.

Before leaving the subject of education, I will make bold to state a certain idea which has been operating in my mind for some time, and it is whether it would not be possible, if not now, then within the near future to make education free in the primary schools of the country. This might necessitate the provision of more money, and perhaps at this time it would be difficult to get money, by increased taxation of any kind, but perhaps the Director of Education in due course and after careful scrutiny will be able to effect such savings in his Personal Emoluments vote as to enable the Government if not to make education absolutely free in the primary schools, then to reduce the fees by one-half, as a very desirable compromise.

Sir, I have spoken at some length, and I appreciate your indulgence, but there is still another matter to which I wish to refer, and I crave your further indulgence to enable me to do so. During the extraordinary meeting of the Council in January, and whilst winding up the debate on the proposed Order-in-Council made under section 12 of the Customs Tariff Ordinance, Your Excellency made the observation—to quote the words of the local Hansard—“especially in reply to the Honourable the First Member for Lagos.” Unfortunately, Sir, I had not an opportunity at that time to set forth the data that determined my view-point, and upon which I based certain statements which I made during my contribution to that debate. Those who were present in Council that day, and those who have been able in their quiet moments to read carefully the published report of the

proceedings of that meeting, would have observed that I made three statements which brought forth some comments from Your Excellency, comments which were construed—or misconstrued, whichever is the more appropriate term—in certain quarters as “His Excellency’s stern rebuke.” The statements that I made, Sir, were as follows:

“The Association of West African Merchants, the Chambers of Commerce of London, Liverpool and Manchester, and the huge combines with apparently very highly paid representatives, are privileged if they so desire to make recommendations to this Council for the Council’s consideration.”

This statement Your Excellency corrected, and very rightly so, when you said that the Chambers of Commerce made no recommendations to the Council, but that they made recommendations to you. I appreciate the correction, Sir, as I must confess I did not quite realise the big difference between making recommendations to Your Excellency’s Government, and making recommendations to the Legislative Council of the Colony. I thank you, Sir.

The second statement I made reads as follows:

“It is common in the English newspapers that the aim of these recommendations is against certain cheap commodities that have found their entrance into the local market, and which in their sale are proving detrimental to the standard of living of the Lancashire cotton operatives.”

My authority for making that statement when I did will be found in the English paper, a copy of which I have here—*West Africa* of the 3rd December, 1932—on page 1258 of which the following appears:

“Resolved that the Committee of the African Trade Section of the Liverpool Chamber of Commerce, having regard to the position which has arisen in other parts of the British Empire, and is likely to arise in British West Africa through the continued and unrestricted competition of Japanese products disturbing and undermining the usual channels of trade, to the detriment of the British commercial community generally as well as the ultimate prosperity of the colonies, urges His Majesty’s Government to take such immediate steps as may be possible to secure freedom from the obligation to admit Japanese goods into the British West African markets on a most-favoured-nation basis.

“The Committee fully appreciates the difficulties involved in thus urging special treatment of Japanese products, but competition founded upon the commercial policy of the Government of Japan and her industrial interests leaves no other course to be advocated, to prevent disastrous dislocation of British and European export trade which would prejudice to the highest degree the economic life of West Africa and produce a most undesirable lowering of the standard of living in the United Kingdom.

“ Mr. E. H. Nuttall (Chairman of the Association of West African Merchants), in seconding confirmation of the resolution, said the movement they were initiating was directly in favour of the British workman. The standard of living and payment in Japan could not be enforced here.”

Further, Sir, we read in the issue of the same paper of the 4th February, 1933, the following:

“ The new duties in Nigeria have naturally been the subject of considerable comment here. The general feeling is that the specific rates will help British goods as they tend to be most severe in the case of the lower qualities, which are being supplied by other countries.

“ The question of Japanese competition is the main subject of conversation in Manchester circles, and is likely to remain so until definite steps are taken.

“ The Cotton Trade League, formed at a representative gathering of cotton manufacturers, merchants and shippers, is mainly to serve the interests of the export trade by pressing the Government to take a keener interest in the affairs of an export trade, which is of such fundamental importance to the community. The League demands immediate action in regard to Japanese competition in the colonies where Japan is selling goods at prices lower, in many instances, than raw material costs . . . . .

“ Many Manchester men would like to see immediate action taken in cancelling the international tariff agreements in West Africa, and the substitution of protection for British goods on similar lines to the new duties in South Africa, which have proved a big help to Lancashire. . . . .”

The report states: “ The volume of British cotton piece goods exported to the British West African Colonies during 1932 gives satisfaction in so far as it compares favourably with the corresponding trade of any individual year since, and including 1929. . . . .

“ Arising from the first of these meetings, your executive appointed a sub-committee, and charged it with the task of considering certain important proposals respecting the Nigerian tariff. That sub-committee held five meetings, and earned the thanks and appreciation of their colleagues on the executive for the results achieved. The trade has been giving most serious thought to suggestions, which, if adopted, will introduce into the colonies a new method of assessment of imported goods for duty purposes. Certain definite recommendations have already been advanced in the case of Nigeria and Sierra Leone. The Gold Coast authorities are also aware of the agreed views of the home Chambers, which aim at ensuring a uniform method throughout the West African trade. . . . .

“ It became obvious during the latter part of the year that British cotton and other textile trade with West Africa was being threatened by competition from Japanese goods.

In a very short time the first threatening signs became a serious reality. The problems thus presented came before your executive on many occasions, and ways and means were discussed for ensuring that British trade with these British territories should not be undermined. The problem was taken up in an energetic manner by the Boards and Councils of the Manchester, London and Liverpool Chambers . . . Eventually all agreed, and conveyed their considered views to His Majesty's Government . . . ."

Of course as Your Excellency rightly indicated, as reported on page 11 of the January debates of this Council:

"The benefits that have been bestowed on the people of this country because they could obtain British capital and British credit are infinitely greater than any benefit they could obtain from cheap Russian goods, and it is therefore in our interests, as part of the British Empire, to keep British capital intact. If British capital is not kept intact, the development of this country and other countries similarly situated must cease."

This is a principle to which no reasonable individual will hesitate to subscribe, Sir, and I hope the impression was not left that I was in any way trying to be disloyal to that principle. All I was attempting to ensure, Sir, was that while we were taking measures to protect British capital and British materials and the British standard of living, we should not do so in a manner that would be prejudicial or detrimental to the African standard of living, because I think everyone in this Council will subscribe to the principle that "charity begins at home."

In respect of the third statement I made, Sir, which was:—

"I would beg leave to remind you, Sir, that these European combines, whether they be the Association of West African Merchants or the respective Chambers of Commerce, do not only control the price at which goods are sold to this country, but they also control the purchasing price of produce and of raw materials."

I realise now, Sir, that what I should have said was that it was a popular belief that these merchants controlled the price, and Your Excellency has subscribed to a form of that belief when, in your reply, you said: "it is heard from the ignorant people in the markets of the interior". What Your Excellency may not be aware of is that that belief prevails very freely amongst the unenlightened people in Lagos, and not only amongst the ignorant people either. In the *Daily Herald* published soon after the January meeting of this Council, the following statement appeared:

"There is not the least doubt that in representing the matter as he did the First Lagos Member spoke in terms of the minds and belief of the people."

Further, Sir, I have searched in vain for any statement in any issue of the journal that was pleased to describe your comment as

"a stern rebuke" for any contradiction of the statement that that belief does not prevail in Lagos, and what is more significant, Sir, is the fact that up to today, indeed up to this moment none of the Commercial Members in this Council has attempted to express an opinion on that point, so that whatever harm I might inadvertently have done in making that statement the fact remains that it has given an opportunity for a public announcement from the Executive that in the opinion of Government that belief is an erroneous one.

I feel I should not take my seat without congratulating the Health Section of the Medical Department in Lagos for the Health Week demonstrations which were brought to a very successful issue three Saturdays ago. One of the local newspapers reported on the Exhibition as follows:

"Lectures, talks on mothercraft, food preparation demonstration Cinema and Community Singing, all were carried out in order of scheduled time. The lessons of the stalls and lecture rooms and the painstaking manner in which every detail is explained to the masses who come and go from section to section impose an arduous task on the helpers and all in charge of these demonstrations which are of the greatest possible value to the public and are thoroughly appreciated by them."

I have only to add, Sir, in the words of a very common statement: "And so say all of us." That Your Excellency was able to attend that Show and to perform the opening ceremony, and that Lady Cameron, Your Excellency's amiable consort, was also able to attend and distribute the prizes, was an excellent indication of your combined interest in the health of the country. Indeed, Sir, as Dr. Sapara, the Chairman of the Committee responsible for the Exhibition said in introducing Your Excellency at the opening ceremony: "Your presence at that function was a positive assurance of your interest not only in our welfare but in our babies," and following up that statement he said, "Long may that interest continue."

There is one other observation which I should like to make and which I hope will reach the ears of the Head of the Department behind the Committee responsible for the Exhibition. Health Week demonstrations, Your Excellency, or at least those that were particularly connected with the last Show, were undoubtedly organised for the purpose of teaching scientific mothercraft and scientific child welfare, and therefore it is unfortunate that when arrangements were being made for the exhibition of babies, the Committee responsible restricted the exhibition only to infants and mothers who had been attending Government dispensaries and Government hospitals. It is unfortunate, Sir, in that it might have the tendency to leave the impression either that scientific mothercraft and scientific child welfare can only be successfully practised in the hospitals and dispensaries controlled by Government Medical Officers, or that the Exhibition was held to advertise, (I use that word for want of a better) to advertise the success of that craft as practised in Government institutions, and

as I feel sure that that was not the intention behind the minds of those responsible for the demonstrations, I hope that in future when exhibitions may be held, those exhibitions will be open to all babies who have been attending the clinics of medical practitioners, and not only to those who have been attending clinics and dispensaries controlled by Government Medical Officers.

Sir, before many days are over, the country will enter upon another financial year with its problems whether they be financial, whether they be political, or whether they be economic, and in the language of Sir Hugh Clifford, when he opened the first Council under its new constitution, I pray that the guidance and blessing of Almighty God will direct Your Excellency in all your actions, and may prosper the deliberations of the Executive, the Legislative and the Municipal Councils.

The Hon. the Commercial Member for Lagos (Mr. R. F. Irving):—

Your Excellency has listened to some very able speeches and as far as I can gather there is a good deal more eloquence to follow, and I do not propose therefore to trespass upon Your Excellency's patience with anything like a set speech. There are two points on which I should like to say a few words, and one is with regard to the estimate of revenue.

I have heard from some quarters that it was thought we were trying to insinuate that the estimate of revenue has been inflated merely to meet the expenditure. That certainly is not the view of those Members to whom I have spoken, and it certainly is not the view of the local Chamber of Commerce. There is, however, a genuine feeling that that estimate is on the optimistic side. The Honourable Chief Secretary has told us that in the main it is based on the assumption that the small improvement already shown will be maintained during the coming financial year. As far as I can gather from those with whom I have come into contact—and I come into contact with almost every class of person in the community—as far as I can gather, the general impression is that that improvement will not be maintained. That is the whole basis of our criticism. We do not doubt for one moment that the Government have exhaustive information which is not available to us, neither do we doubt for one moment that the estimate of the surplus from the point of view of the Government is a conservative one, but we do doubt whether Government's estimate will be fulfilled. In saying this, and also speaking on behalf of the financiers with whom I have spoken, no one would be more glad than we should if Government's estimate were fulfilled, and I can assure Your Excellency that if it is not fulfilled there will be no triumphant voice from us: "I told you so." Your Excellency will never hear that from any of us. Our criticism is perfectly honest and not captious in the least, and we hope that Your Excellency in your concluding Address will remove the fears that we do sincerely entertain as to the estimate of revenue.

There is one other point to which I wish to refer and that is the Education vote. The report of the Committee states that:

“ The estimates of expenditure on Education were subjected to general criticism on the ground that value commensurate with expenditure was not being obtained.”

Your Excellency, there was general criticism on the Education vote, or almost general criticism, for there were a few who did not join in: I am afraid I was one of those who did join in that criticism and I did venture to criticise the vote, and I am absolutely unrepentant. The view I took, as did the others who criticised the Education estimates of expenditure, was that whether we shall realise the estimate of general revenue or not, there is not going to be a very big margin, and we should therefore try to cut down expenditure wherever possible. It did occur to some of us, it occurred to me, and still occurs to me that the Education vote might be reduced. I do not pretend to know anything about the working of that Department to enable me to go into details, but it does strike me, and it does strike other casual observers that there is a very large staff in that Department, and it does strike us—we may be quite wrong—that there might still be some reduction. Another point that strikes us is that as far as we can see from living among the people the results of that expenditure are not justified. There is no idea on our part to cramp education: we do not want it said that “ here are some of these Europeans trying to cramp the opportunities of the Africans in getting education ”: that is not so, and I have many friends here whom I know very well, many African friends, and I am sure they would be the last to say that of me. (Hear, hear). But we do feel that there is a great deal of expenditure on education, and we do feel that the practical result of that expenditure is not what it should be. We do not know where the fault is, or pretend to know, but we do know that the people who are being turned out, are not as we should wish them to be, that is to say up to that standard of integrity, of character and loyalty to their employers which would entitle them to those posts in the African Service to which we all wish they should attain.

*Council adjourned at 12.45 p.m.*

*Council resumed at 2.30 p.m.*

The Hon. the Member for the Egba Division (Mr. S. H. Pearse):—

Your Excellency, I rise to associate myself with the remarks which have fallen from the lips of the Honourable Banking Member, but before doing so I should like if it were possible for Your Excellency to enforce Rule 71 under the Standing Orders which would put us in order and shorten discussions which otherwise will take up the Council and Your Excellency's time unnecessarily.

The Estimates which are now before this Council have been prepared with very much care and with an eye to strict economy, we should all congratulate Your Excellency that you have been able

to present to this Council a balanced budget, with regard to the Estimates for the coming financial year. Sir, to a certain extent we feel that there is a certain amount of inflation with regard to the estimate of Revenue. The estimate of Customs Revenue shown under heading 4 is £2,640,550. Those of us who are conversant with the condition of affairs, in our daily round and common task, certainly feel that there is a certain amount of speculation in that figure, because one has to consider the conditions in the Continental countries as well as in the United Kingdom, and other matters of that kind, there are therefore probabilities and eventualities which might occur in the coming year which would tend to reduce to a considerable extent the revenue from customs duties. I do not doubt for one moment the remarks of the Comptroller of Customs yesterday in Committee, but I think, he was too confident: nevertheless I for one would be very glad if the estimate of Revenue could be realised.

One or two things have struck me under the various headings of the Estimates: one of them is under the heading "Agriculture." I very much regret to see that these estimates have been reduced, because after all agriculture is the mainstay of the country, and it is only by the development of the agricultural industry that the commerce of this country can be extended. Everything should be done to foster the work of the Agricultural Department that can be done even in these hard times. The Director of Agriculture said yesterday that he could spend as much as we could spare, and that there is plenty of work to be done which cannot be done because there are no funds. I very much deprecate the suggestion that agricultural work cannot be extended because of lack of funds. The first requirement of the country is agriculture. These remarks are applicable to the Forestry Department: some species of timber have been discovered lately which can only be found in Nigeria, and there are other discoveries which cannot be exploited for want of funds. If more money could be found for these two Departments, Forestry and Agriculture, I think it would be for the benefit of the commercial enterprise of the country.

An important matter is the question of the reduction of the percentage of tax retained by Native Administrations. As a matter of fact, Sir, it is only a question of £16,000 that Government has scraped from the Southern Provinces Native Administrations moiety by reducing it from 70 to 60 per cent. After all what is £16,000 to this Government in the attempt to scrape from these poor little Native Administrations? I think if the percentage were left at 70, the money could be used to do much good work that cannot be done otherwise. It is a serious matter for many Native Administrations, considering the position of affairs, to carry on essential works that they have in hand, and certainly they cannot carry on all the works of public utility as they wish if they have severe cuts in the tax. I am sure, Sir, that it is not your intention to inflict any hardship on the Native Administrations of the country: you are simply doing your best to balance your budget, but we hope that Your Excellency will leave this moiety at 70 per cent, so that the Native Administrations may do all they can in the interests of Nigeria.

I notice that in Your Excellency's speech you refer to the administration of the country through the people themselves: that is what is meant by Indirect Administration, and if this is Your Excellency's policy, surely it will tend to impress upon the people the responsibilities of citizenship. Your Excellency in your Address referred to certain bad practices in the Native Administrations of the Provinces. I can assure Your Excellency that in the Native Administrations I know, particularly with reference to the Native Administration of Abeokuta, I do not think anyone could point a finger of scorn on any of the practices prevailing. All the officials are under direct supervision, and those who take up the responsibilities attached to these Native Administrations are doing their very best to comply with all necessary rules and conditions.

I wish to refer next to the dipomu system. As Your Excellency is aware this system has existed for over a century and has had the sanction of many eminent Governors. It has had the support of able administrators and it has been supervised by experienced Residents; to say that any element of slavery is embodied in that system, under the very eyes of the Resident and of the Native Administration, is to say the least worse than slander. Your Excellency I am sure would agree with me that Native Administrations are in this way placed in a very difficult position. There are people from outside places who think it is their duty to criticise not knowing the inner workings of those Administrations, but I am sure Your Excellency will agree with me when I say that the work especially of the Abeokuta Native Administration is open to anyone to see what is going on there. We are not afraid of public criticism: everything that is being done there is straight and above board. I deprecate the suggestion that anything is done underhanded in that Province.

In Your Excellency's Address there was no reference to unemployment, and at a time when this great problem is eating into the very core of the Colony and is spreading into the Provinces, I feel that the matter should be brought to your attention. I was wondering whether the stigma that is put on unemployment in this country is put also on unemployment in England. A man walking about the streets here who has no employment is looked upon as a man who should be avoided, I hope Your Excellency will do your very best to make provision to ensure that unemployment will be a thing of the past in this country. The Agricultural Department are doing their best. There is plenty of land in this country; if the Government of this country were to act in the same way as the Government of Australia in allotting plots of land to the unemployed, and start them with a small amount of capital—as they are doing in regard to building scheme at Yaba—surely there would be no hue and cry regarding unemployment heard throughout the country. There are thousands of people who have no work to do. Our offices are besieged every day by people wanting jobs, and it is very distressing to see well educated and intelligent people in this state. The Prince of Wales in one of his recent broadcast speeches said that the question of unemployment should not be left to the unemployed alone. Those who are employed should take

the question up and assist the unemployed. Why should the Government not assist? Government could assist through the Agricultural Department by giving the unemployed some plots of land and starting them with a small amount of capital.

There is one point I should touch upon Sir, and that is with reference to the Statistician, Mr. Jacob. I happened to meet him at Abeokuta and I can assure Your Excellency that he is doing good work; from the way in which he is going from house to house, from village to village, and from town to town I can assure you that when his report is ready and is submitted to the Council we shall feel that we have nothing to regret in having consented to this inquiry, and that in that respect it will have been money well spent.

With regard to the forthcoming absence of the Honourable Banking Member I share in the general regret that is felt. As Your Excellency knows very well he is a veritable encyclopaedia in matters financial; we have always referred to him both in the Chamber of Commerce and in this Council whenever we have required an explanation with regard to financial affairs. I hope that he will make up his mind to come back again, and do his best for us as he has done in the past. (Hear, hear).

I do not wish to take up any more of Your Excellency's time and would only commend to you the question of unemployment: I do hope that the question of the Dipomu system will never be allowed to come up before this Council in future.

The Hon. the Member for the Colony Division (Sir Kitoyi Ajasa, Kt., O.B.E.):—

Your Excellency. My friend, the Honourable Member for the Egba Division has called attention to rule 17 of the Standing Orders, and I think he meant to call attention particularly to paragraph (4) thereof which reads:—

“ A member must confine his observations to the subject under discussion.”

Now, Sir, the motion before the consideration of the Council reads as follows:—

“ The Honourable the Chief Secretary to the Government will move the second reading of the Supply Bill.”

My Honourable friend must have seen more into that sub-section than I do, for I cannot think that the Dipomu system and unemployment come within the motion moved by the Honourable Chief Secretary, and I feel I must call his attention to that fact. We Unofficial Members felt that the only convenient opportunity we have of addressing Government was at the second reading of the Supply Bill, and we saw the then Acting Chief Secretary to the Government, the present Deputy Chief Secretary, and discussed the matter and permission was given to talk on any subject at the second reading of the Supply Bill when the Estimates came before Council. That is the liberty we have taken to-day. Now, Sir, I wish to refer at once to the very serious remarks made by one or two Honourable Members to-day, especially by the last speaker, with regard to unemployment. The question of unemployment is a very

dangerous and difficult one to attempt to attack. In England, with its generations of civilisation at the back of the people, they have found it I believe to be the case, that mistakes have been made in making grants to those unemployed. We certainly do not want such a mistake made in Nigeria. I still say that it is possible for every African in Nigeria to find the wherewithal to make two ends meet, and when I come to the question of the policy of Government in regard to education, I shall lay particular stress on this point. Curiously enough, in 1929 after an absence of sixteen years from Abeokuta, I had a long talk with the present Alake and incidentally we talked of the boys and men going back to the land. He told me, Sir, that he and his councillors had under consideration a scheme of inducing the young men to go back to the farms. He told them if they had no work to do to give up their names to the Chief of their township, who in turn would forward the names to the Alake. The latter told me that he invited a few of the young men to a meeting at his Palace. They came and saluted him in the customary fashion and waited to hear what he had to say, after thanking him most profusely for having invited them to the meeting. The Alake told them that he had found work for them on such and such a farm, where they were to work as labourers. "Is that what you want to see us for, Sir" they said. "We thought your Highness was going to find situations for us as clerks at Ibara or as barbers." Needless to say those boys have not gone to the farms, and they are still loafing about Ibara.

I must not anticipate events, as there is a measure before this Council in which it is proposed that a move should be made to keep these boys and youths on their farms, and I sincerely hope that when this measure comes before the Council, everyone will support it. It means keeping these people in their own towns instead of having them flooding the big towns like Lagos, Abeokuta, Ibadan and Kano where they are not wanted. I hope, Sir, that in spite of the oratory of previous members, the Honourable Member for Egba Division, and I am not sure whether it was the First or Second Lagos Member, that you will give no consideration whatever to their proposals regarding unemployment.

I come now to education, Sir. The Honourable Chief Secretary will excuse me if I make a remark, and I make it with all due honesty of purpose, with reference to his Report of the Finance Committee. He said the Estimates of expenditure on education were subject to general criticism on the ground that value commensurate with expenditure was not being obtained. He is a master of the English language, and he has expressed it in a way with which we have no quarrel, but incidentally I am glad, he added, that it was decided to put forward the estimates as framed, and leave it to Honourable Members to raise the question of policy in Council. We have to appreciate and value education at its proper worth, and I make bold to say that it is a scientific policy that is required. We have not many more than fifty years of civilisation behind us, and the educational policy of this country has yet to be proved. I myself say that if it is going to progress it must be left in the hands of Government and Government alone. Government must have a definite policy and must frame that policy

having in view the ultimate progress of the people. I am not referring to Lagos only, because Lagos is only an infinitesimal part of Nigeria: I am thinking of Nigeria as a whole. As far as I can remember, and I have had the honour of being a Member of this Council for nearly twenty-six years, with an absence of five years, there has been no general or fixed policy attempted, and it has only been within the last ten years that an attempt has been made to give educational work its proper place. Education is like a tree that you have planted. That tree will require water and adequate preparation. A man or woman who is well grounded in the profession in England, in my opinion, would look at an offer from Nigeria twice before accepting it. If he has an opportunity of a good appointment in his own country why should he come and live in this country? So, Sir, if you are going to attract the best possible material to assist in the growth of education in Nigeria, the Members of this Council must be prepared to pay for it.

In this connexion I would call your minds to the Lagos of the 70's and 80's. There was no policy then regarding education, and I can only say now how much obliged we are to the Mission Societies for the great help they gave us. I remember one instance where a man who bought palm oil and kernels in the Lagos market, whom we would call a "baracouna", went bankrupt: he turned his mind to education as a livelihood. He put up a blackboard and with a stick in his hand began teaching any ignorant people who were willing to pay him a little money. Government became aware that this sort of thing was going on, and I am glad to say stopped it.

During the work of the Aba Commission (Dr. Basden will correct me if I am wrong) it was brought before the notice of that Commission that the people in those parts of Nigeria looked upon education in such a way that if an attempt were made to stifle it, it would create a situation more serious than the one the Commission was sent to investigate. Now it seems to me that the only possible way to direct the energies and aspirations of the people of Nigeria is to direct them on the best possible lines. We have to progress and it is possible that the policy that is now in force may have to be modified some years hence in order to provide for such progress. It certainly is not astonishing to know that even in England to-day educational policy is undergoing changes.

I think, Sir, the estimates on education before this Council have been drafted most carefully, and I am sure, that if Your Excellency had any doubt about it, you would not have granted one-tenth of the money that is now provided for education in Nigeria. Another point is this. An Honourable Member has said that the Honourable Director of Education underwent very severe cross-examination. He was not the only one. Every Head of Department who came before us was severely criticised. That was our opportunity, Sir, to elicit all the information we desired to have from Heads of Departments regarding their estimates. I deprecate making in this Council, insinuations which the Head of any particular Department cannot possibly have the chance of refuting.

You have referred in your Address to the West African Court of Appeal. I have always been against it for two reasons, one being the question of finance, and the other that it is as far as I am concerned undesirable. Also, Sir, with all due respect to the Privy Council, I think it is possible to hold that if they had been fully acquainted with the customs and manners of this country, some of the judgments given might possibly not have been given by them. Local knowledge of the customs and manners of the people go a long way. In this connexion, all Europeans who come here must imbibe the knowledge of some of our habits, and idiosyncrasies without perhaps being conscious of doing so, and put them into play in the course of their every day dealings, and without knowing that they are putting them into play. The Judges of the Privy Council, are wholly dependent upon the facts placed before them and on these and these alone find their judgments. It seems to me impossible for counsel however learned and capable to express in his arguments all those little but necessary things which can and should throw light on a case. The judge who has lived amongst the people can without disturbing the evidence before him in the consideration of a case, unconsciously supply those little details. I do repeat so far as I am concerned, that it is unnecessary for Nigeria to join the West African Court of Appeal.

I wish to refer now to Your Excellency's Address for which I wish to thank you from the bottom of my heart. There is one point which I must put before you in all honesty of purpose. It appeared to me and other members of the Aba Commission that Government, in its attempt, and a most laudable one, to find who are the natural rulers of clans, are doing very good work, but I do beg to make the suggestion that while this work is in progress Your Excellency will try as much as possible to keep on the older members of the Service, who have tramped through the country from village to village on foot, eliciting information which would help in such investigations. The younger members of the Service who have just come down from Oxford and Cambridge cannot possibly be of the same use in these investigations.

My next point, Your Excellency, is with reference to the post of the Administrator of the Colony. I regret the remarks that have been made with regard to the Resident of the Colony. The pain which arose in my mind, when I heard the words used by my Honourable friend on my right, was softened when I read again in the Minutes of Council the answer to the Honourable Commercial Member for Lagos who asked:—

“ Whether the attention of Government has been drawn  
 “ to the repeated attacks in the *Lagos Daily News* on  
 “ Mr. Henry Carr, late Resident of the Colony, and  
 “ particularly to those contained in the issues of December  
 “ 1st, 1932, and February 10th, 1933? ”

The reply given was “ The answer is in the affirmative.” May I be excused also if I quote a further question, and the reply thereto:—

“ To ask whether in the opinion of Government Mr. Carr  
 “ misused in any way his official position as Resident of the

“ Colony in his dealings with the late Prince Eshugbayi, and  
 “ whether, as alleged in the paper quoted, he wilfully  
 “ misinterpreted certain statements and misled the Govern-  
 “ ment ?”

*Answer:—*

“ No, Sir. In all his dealings with Eshugbayi Mr. Carr  
 “ acted on the personal instructions of and with the full  
 “ approval of the then Governor and there is no foundation  
 “ whatever for the suggestion that he misused his official  
 “ position, misinterpreted any statements, or in any way  
 “ misled the Government.”

I am most grateful, Sir, for the answer given and many in Lagos to-day are equally grateful. It is also a clear answer to the remarks of my friend the Honourable, Second Lagos Member.

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

May I correct my Honourable friend? I was speaking of the office and not of the individual.

**The Hon. the Member for the Colony Division (Sir Kitoyi Ajasa, Kt., O.B.E.):—**

But the office can only be effective, when the man appointed to hold it is there.

In Your Address it is given out as if Your Excellency will assume the office of Administrator of the Colony yourself. I think burdened with the huge and heavy task of administering the affairs of this vast dependency it is far too much to ask Your Excellency to take that office into your own hands to-day. I can assure you, Sir, that the present Administrator, Mr. Falk, has done yeoman service for the Colony and has upheld the dignity of that office. Honourable Members who press for the abolition of that office would seem to have their own axe to grind, because at all times when the office has been in the capable hands of Mr. Falk, or in those of that equally capable officer, Major Lawrence, or his predecessor Major Birrell Gray, the masses of the people in Lagos have never been in favour of the holders of that office. Why, because the holders of that office have never countenanced individuals in the Colony to say just what they liked to the people of Lagos, and perhaps that is why the office is unpopular.

Lastly, Sir, before I sit down I would like to anticipate events a little, and refer to the measures of reform which are proposed and which have appeared lately in the Gazette. They are of such a nature that they will affect the very life of the people in the Protectorate. Your Excellency must have gone through the voluminous report of the Aha Commission. Everywhere the Commission went the cry of the people was they wanted to get back to what existed before the introduction of the 1914 reforms. I particularly welcome the announcement that Courts will be formed in the Protectorate to deal with the people there in the same manner as the Supreme Court deals with us here. It required considerable vision and force of character in the framing of this particular Bill. I am glad Your Excellency has taken the first

opportunity presenting itself, and that you will give them what they want. I am deeply appreciative of what Your Excellency is about to do, and I sincerely hope that it will be carried through to the satisfaction of the people in the Protectorate.

**The Hon. the Commercial Member for Kano (Mr. T. Hepburn):—**

Your Excellency, I rise to say a few words about the Estimates for 1933-34. I was very agreeably surprised to find that the Nigerian Government has managed to balance the budget for the current financial year, but I am inclined to agree, however, with the remarks of the Honourable Banking Member with regard to the optimism displayed in the figures given for the estimate of revenue next year. I agree with him that there will probably be a deficit instead of a surplus. I may be a pessimist and I sincerely hope I am. I am sure the Honourable Banking Member hopes the same.

On the assumption that there will be a surplus, Sir, for my part I suggest that some more money might be spent on the Veterinary Department. In the Memorandum on the Estimates the Chief Veterinary Officer writes:—

“ I have only been able to order bare necessities for the  
 “ production of vaccines and sera, but not in sufficient  
 “ quantity to meet the present demand and unless an  
 “ extra sum is voted, I will not be able to continue to  
 “ maintain our present weekly output. If an extra  
 “ sum of money cannot be granted, the present  
 “ production of vaccine and sera must be decreased  
 “ immediately; otherwise there will not be sufficient  
 “ reagents to continue the manufacture for more than  
 “ a few months.”

Well, Sir, as you know this Department affects the North very much indeed. The Veterinary Officer is really worth his money, and I would like to have seen an additional sum granted so that the Chief Veterinary Officer could buy up to anything like one million vaccine doses to protect the cattle in these districts.

Another item I am pleased to see is the sum of £4,000 which has been granted towards the Sleeping Sickness campaign in Kano. I was hoping that this amount would be increased, and I am only too pleased to see that it has been. I understand that it is a serious business and I am sure the Director of Medical and Sanitary Service will see that it is properly dealt with.

I do not think I need say any more, Sir, and I only hope the surplus which is expected will not only be realised, but will be increased.

**The Hon. the Member for Calabar (Mr. C. W. Clinton):—**

Your Excellency. I think it would be an undutiful thing and an ungrateful thing on my part coming from the far east contingent of this Colony if I were to go away from here without giving expression to my views, and on behalf of my constituents I wish

to express with gratitude the pleasure which we all feel at the manner in which Your Excellency has steered the ship of State over which you have taken control. I am afraid that my other duties in Lagos have prevented me from giving that proper attention to the subject under debate to-day, and to the subjects dealt with by Your Excellency in your Address, which they deserve, and which would have enabled me to go more fully into matters to-day. But I must say, Sir, that when I read your speech I felt a warm feeling of security come over me. I read it with the greatest pleasure. I felt that now we had a captain of the ship whom one could trust and on whom one could always depend, and I felt as would a passenger in a liner, who, being in a storm yet felt quite secure because he had every confidence in the captain, and the man at the helm.

The first subject which Your Excellency deals with in your Address is finance. I was not here this morning when the Honourable Banking Member for Lagos gave expression to his pessimism. I have heard other expressions of pessimism, but they have not moved me in any respect concerning the security which I feel about our finance. The explanations given are so lucid. The measures for controlling expenditure appear to be so reasonable that one cannot but be impressed, and I was very impressed. I say, Sir, that at the very least Your Excellency has put forward a *prima facie* case for security in the future. I do not think that we should trouble ourselves with possibilities or probabilities of the future, except in so far that we should take ordinary care to guard against the future. I think that we should be satisfied with Your Excellency's assurance that you would continue to take the greatest care to secure our position in that respect.

The portion of your speech which gave me the greatest pleasure, Sir, was that portion concerning Native Administration. I must say, Sir, with my Honourable friend the Second Lagos Member that I was one of those who were keenly opposed to Indirect Rule. I was convinced and I have been convinced for years that the purpose of Indirect Rule was that the native, I think the expression is, should "stay put", or as we should say in the Court "*in statu quo*". I have had that belief for many years, and I have been a great opponent of this policy. But when I read the explanation given by Your Excellency of how this policy could be worked, and how it has worked in some parts, as for instance Tunisia, I changed my opinion, and I would add that if this policy had been started in this way as explained by Your Excellency from the very beginning, it would have been received with open arms by all the natives in this country. They would have understood that the white man had come to be their friend, and they would have understood that he brought with him something for their benefit.

Your Excellency, one of the reasons why I was against that policy was that the young men of the country thought they had no chance under it. If it had been explained in the way in which Your Excellency now explains it, both the young men and the old men would have come in and supported the policy. The policy

of indirect government had very much in it that the old men sympathised with, but they felt that here were strange people who had come to the country who had strange ways and strange manners of government, and strange customs; and the young men thought that here were these strange men and, well, they themselves were young, and therefore they would copy them, but the policy as explained by Your Excellency would have appealed to all the people in the country, both the old men who would have sympathised with it, and the young men who would have understood it. I am glad that Your Excellency has been good enough to explain it to us in this way.

I must also express gratitude that the West African Court of Appeal will be extended to include Nigeria. We have been fighting for this for a long time, and now we have got it we are grateful for it. I must express surprise at the expression of opinion given by the Honourable Sir Kitoyi Ajasa in respect of this matter. I think also that the whole of Lagos will express surprise and astonishment that the Honourable gentleman should have given voice to such sentiments in regard to the West African Court of Appeal. He has also surprised me and surprised all his friends here that he should have spoken in the way he has done concerning the decisions of the Privy Council. The decision of the Privy Council to which he was presumably referring was felt all over Nigeria as being the most satisfactory decision given by any Court, but that Sir Kitoyi, our leader, who has had years of experience, and who must know how important this matter is to us that we should have decisions by the Privy Council, should at this time give expression to the views he has done, astonishes me. We know that people like Sir Kitoyi are necessary in Nigeria: it appears to be his policy that he must always back up the Government, and I take it that the explanation is that Providence makes certain people to be both on the side of the European and on the side of the African. They are pro-African and pro-European in order to bring us both together. I do say though that Sir Kitoyi has gone very far, and I think he has gone too far. We are all very grateful for the institution of the West African Court of Appeal and we are all very grateful for the institution of the Privy Council.

Now, Sir, I want to say a few words about education. I am afraid, Sir, that I was one of those who very severely criticised the vote of the Education Department. I am very sorry if the Honourable Director of Education came under severe cross-examination. He has not been in the country for very long and although he is in charge of the policy, I do not think we can very well say that he is personally responsible for the policy he is carrying through. But what I do say is this. We do not for one moment grudge the money that is being spent. We desire money to be spent, and we require that money should be spent, but we want value for that money. That is what we are asking for. Let the money go so long as we get value for it, and what we consider is that we are not getting value at the moment, and we are rather afraid. We say we are not getting value for it because we cannot see that the results have been anything that we can call tangible:

there seems to be nothing we can take hold of. It may be said that it is not entirely necessary to have results at once, but surely in ten years one ought to be able to see some results. My experience has been unfortunate. Some years ago, I think almost twenty years ago, when I required a clerk in my office, I asked the headmaster—a West Indian gentleman of high repute—of the new town school at Calabar to supply me with a man. He gave me a young man, twenty-one years of age. He was alert, he was polite, he was full of intelligence, one could see from his countenance that he had some civilisation and some education, and he was in my office for only a few months when he was up to all the work. His English composition was remarkable, and he was a clerk upon whom I could always depend. He was straightforward and honest, and I had great pleasure in working with that young man. His salary rose from £4 to £20 a year. Then I went away from Nigeria to practise in the Gold Coast for a few years. When I came back times were bad, there was a money depression, and I told him that I could not afford to keep him and that he would have to go. Then I asked the schoolmaster if he could get me another man, and he replied that he could give me one from the same class. He sent me a man who had passed through the same course and through the same class, but he was appalling. It was pitiable to see the difference. His composition could not help me at all. If I made a mistake or an omission in my draft, it was there and remained there after it had been faired, and when I saw what he was like, I had to steel my heart and send him away. This is generally the case all over the country. Some years ago you could get a competent carpenter, and he would do his work intelligently and accurately. But my experience nowadays at Calabar is that if you call a carpenter, you find he knows nothing; call a tailor and he makes you a good pair of trousers, but your coat is impossible. This is so in all the trades I find. I do not know about Lagos, I have not lived here, but this is my experience at Calabar, and as far as I can see we are not getting value for the money we are paying for education, and I would ask Your Excellency not to cut down the vote, but pray let us have value for our money.

I do not wish to take too much of Your Excellency's time, but I am anxious to make one appeal on behalf of my town of Calabar. I can assure you, Sir, that the people of Calabar have urged me, and I have impressed it over and over again upon this Council, that they feel very much the neglect of Government of the town of Calabar. They do not understand why it is that Government should forget them in the way they imagine the Government has forgotten them. They say that the revenue produced from Calabar is not very much lower than that of Port Harcourt. They say they do not consider that very much revenue comes from Enugu, and they believe that after Lagos they come very high, and are certainly on a par with Port Harcourt. They may be wrong, but they do not understand why there should be such neglect of Calabar. The Government offices have been taken away to Enugu; we do not see any reason for that, and we consider they could have remained in Calabar and done quite as good work as at Enugu.

We have over and over again asked for a better water supply, a very important matter to the community. We have had promises of an improved supply, and although we thought that the money had actually been provided, and that we were at last going to have it, there appears to be nothing doing at all. The question of the better lighting of Calabar is also a serious matter with the people there. They do not see why a system of electricity should not be introduced for Calabar. They say they are quite willing to bear the expenses in the way of rates as other towns like Enugu and Port Harcourt are. I leave these matters in Your Excellency's more experienced hands, and I pray that consideration may be given to them.

**The Hon. the Member for the Ibo Division (The Venerable Archdeacon G. T. Basden):—**

Your Excellency. I presume that the debate is nearly at an end, but I would like to introduce a new note. I look upon this work more as a spectator, inasmuch as I am not concerned with revenue, but help only in the question of scrutinising the estimates of expenditure.

I am one of those people, I expect I shall be unpopular for saying it, who look upon these last two or three years financial stress as rather a blessing than an evil. I speak on behalf of the people who are in the interior. Here at Lagos the people have been educated up to understand money and the use of money. In the interior the people were receiving money at a rate they did not understand, and had never had before. When I tell you that in some parts only a few years ago the price of a wife was estimated in value at about five shillings, you will realise that the people did not put much value on money itself, and the result of the great prosperity which came during those few years led to the people being put off their balance, and they did not know how to use the money they received in such great abundance in comparison with earlier years. I am quite convinced that they were not the only ones who were in that position. Government and individuals all seemed to go mad for a time. Their one business seemed to be: "How can we get rid of our money?" We have already heard it mentioned with regard to extravagant buildings here and there, and in other ways money was being spent without thought, and so I regard this time of financial stress as really a blessing to pull us up, and for us to take counsel and use that which is given to us as faithful stewards, and not make waste of it as we have done before.

I may say that at the present time in the Eastern Division there is very little money, and yet at the same time I am sure Your Excellency will be glad to know that the heart of the people is sound. I may say that all the figures of estimates and revenue for our Missions come through my hands: perhaps I had better explain that since 1917-1918 or thereabouts, the whole of the mission work has been self-supporting and we have had to do without funds from England for the recurrent work, but this year, 1932, in spite of all depression, in spite of all that has been against the collection of money, our funds in Onitsha are up by about £4,000. This shows

that the people are still striving to maintain their position. Some have brought word that they found funds were not available, so they got out, and do not count in the same way as members. I only mention that to show that the people are sound and ready to do all they can.

I want to say one thing with regard to education, Sir, as I am the only Mission representative here. A good deal has been said about education at this meeting, but I do not think Honourable Members realise how little education is really being done in this country. Sometimes we hear the word "mass" education. Education is not being done in the mass at all. In the thickest populated area of the Eastern Provinces not more than five per cent of the children are being touched by education by any Mission at all or in any other way. In that area there are over 800 of these village schools, and you know perfectly well that only a few of the children are being touched by any education. Of that five per cent only about sixty-six schools can go beyond the vernacular stage, and it is from those schools that boys will be picked to go on to higher stages of education, and probably become professional men. We have no reason to be ashamed, in spite of what some Honourable Members have said, of the output of some of our Mission schools. I think if the Honourable Director of Education looks through the list I gave him containing the results from the Onitsha Grammar School he will agree that they stand comparison not only with any school in Nigeria, but with any school at home. I only want to emphasise this point: it is only a few who are lucky enough to go beyond the vernacular stage.

There is one point in the Address to which I wish to refer because I shall be bombarded with questions about it not only from my own mission, but from other missions. There is a statement in the Address that "statements have been made in public to the effect that the Government had committed a breach of faith with the Missions by reducing the grants." I am afraid, Your Excellency, that might lead to some misunderstanding. It was not because of any reduction of grants. There have been reductions in the grants: for instance all the grants in our many schools have been cut down twenty per cent, and at Ogbunike, which in a Report issued a few years ago was said to make the best impression of any school in Africa as regards the standard of education given, we consider that this year we must cut down our European staff. Other schools and colleges also have been cut by twenty per cent, but where the breach of faith comes in is this: when the scheme was first put forward it was pointed out, and very rightly, but very emphatically that if a sound education was to be given to the children of this country it could only be done by giving them the best trained teachers, and that as soon as we put in well trained teachers the schools would be recognised and put on the assisted list. The result was that we increased the number of students in training and got out one or two extra men for that purpose, and we then began to build up the schools. We had just a few schools of what one might call first-class order, and they would have been placed on the assisted list as soon as all the conditions were fulfilled. Now we had

to spend the money first in providing buildings and equipment and then in putting in qualified and certificated teachers, and after we had done that we were to be eligible to go on the assisted list. We have now quite a number of schools that had just come up to that standard when the notice came round that no more schools could be put on the assisted list. Perhaps we should not have said much but for the fact that when the Code was introduced, with its minimum salaries. The new salaries in the interior parts of the country were very often double what we had been paying before, and having to put them on the minimum salaries (we could not treat one set of schoolmasters different from another set) the result was that all the schools that had just been brought up to the standard whereby they would have been put on the assisted list, were badly hit, and we had to pay higher salaries to those fully qualified men without any assistance from Government, and that is where we feel the breach of faith has come in. We are saddled with forty-four second class schools which we cannot now put on the assisted list, when it had been clearly put before us that when they came up to the required standard, they should be eligible to be put on that list.

We quite realise the impossibility of doing anything at the present time, but Your Excellency knows what it is. I had warned our people not to put their trust in princes. I have worked with many Directors of Education in this country and knew the value of quick changes, and I warned our people accordingly. The British Government broke its promise, and that has given rise to the remarks that have been made. With that I will say no more.

**The Hon. the Member Representing the Niger African Traders (Mr. S. C. Obianwu):—**

I will confine my Address to a few words only, Your Excellency, as I feel a good deal of time has been taken and the ground has been covered by the Honourable Members who have already spoken. First of all I must congratulate Your Excellency on the achievement you have made in balancing the budget. That achievement I am sure can only have been the outcome of strenuous labour and some very anxious times. Thanks are also due to the Honourable Chief Secretary to the Government for the able manner in which he conducted the work of the Finance Committee. The lucid explanations he gave no doubt curtailed the work of that meeting to a very large extent. I must also congratulate the various Heads of Departments for the able manner in which they have prepared the estimates under review, and for the great care they have taken in observing strict economy in all the various items of their votes.

With reference to education, Your Excellency, I can only endorse the views expressed by previous speakers. We do not at all grudge the money that has been spent on education: on the other hand we shall always be willing to support votes which may be put forward by Government for expenditure on education if they are justified, and if the country can afford them. But there is a general feeling amongst us that we are not getting full value for the money expended. We hope that statement will receive the

attention of Your Excellency and that it will be given due consideration. I mentioned in Committee that it might be helpful to appoint a Committee of Experts on education consisting of both officials and unofficials to go into the matter of the educational policy of the country and see whether they would not be able to advise Your Excellency and this Council on matters of education.

I also endorse the expressions of opinion made in respect of the Bills that have been recently published in the Gazette concerning new legislation regarding Native Courts, Protectorate Courts and the West African Court of Appeal. We feel very grateful to Your Excellency for the bold stand you have taken. We have felt for years that reforms should be undertaken, and representations have been regularly made to Government, and we feel glad and grateful that Your Excellency has thought fit to institute the measures which you have now done. I am particularly interested in the Native Courts and in Native Administration, and I hope that the explanation given by Your Excellency in your Address presented to the Council will be widely read by the members of the Administrative Service all over the country, so that they may be able to grasp the situation in the same spirit as Your Excellency. I happen to come from an area where the Native Administration is in a backward stage, and I must say that the position there is quite different from the position in the western area of the Southern Provinces where the people have advanced in the administration of their own affairs. All I can say is that I hope, regarding the new legislation, that due opportunity will be given to the people concerned both rulers and ruled to express their views to Government so that Government will be able to formulate those views into the policy which is going to be adopted in regard to Native Administration and Native Courts. In this connexion with the permission of Your Excellency and particularly of His Honour, the Lieutenant-Governor, Southern Provinces, I suggest that instructions should be issued to the Administrative Officers who are in charge of the Eastern Area of the Southern Provinces to read the provisions of these new Bills very carefully. I am anxious that the people should be given due opportunity also of expressing their views and their wishes, so that they can help in formulating the policy. I happen to be aware that in some places the people do not know what is going on, and they are not given proper opportunities to study these matters. I feel that they are entitled to do so, and I impress upon Your Excellency and His Honour the Lieutenant-Governor that strong measures should be taken to grant them such opportunity. After all Native Courts and Native Administrations need to be run by the people for the people and therefore I think that the views of the people for whom the measures are intended should be seriously considered.

Before taking my seat I should like to refer to the speech of the Honourable Banking Member. He referred amongst other things to the fact that he is going away from the country and that he will probably not be back in time for the next meeting of the Council. I wish to express my gratitude to him not only on behalf of myself but on behalf of other Unofficial Members of this Council for the

great assistance he has always been to us in giving us his views and advice on any financial measure. I hope that when he returns to Nigeria he will have the opportunity of giving his advice to this Council again.

**The Hon. the Member for the Warri-Benin Division (Mr. I. T. Palmer):—**

Your Excellency and Honourable Members. I rise to congratulate Your Excellency and Your Excellency's colleagues for the work done in connexion with the balancing of the budget. We realise that it must have cost Your Excellency many sleepless nights in solving the many problems involved. In doing this I am expressing the views of all the Unofficial Members of this Council.

Coming from Warri-Benin Division I think it my duty on behalf of the people I represent to thank the Government for the sympathy expressed to the people on the death of Chief Dore, the Paramount Chief of Warri, who at one time was a member of this Council.

**His Excellency:—**

Not of this Council.

**The Hon. the Member for the Warri-Benin Division (Mr. I. T. Palmer):—**

Of the old Council, Your Excellency. I wish to refer also to the death of Eweka II, the Oba of Benin. Although no successor has yet been appointed, an intelligent youth who has been trained under the aegis of the Government has already been chosen by his people and will succeed as Oba in due course.

**The Hon. the Member for the Rivers Division (Mr. Mark Pepple Jaja):—**

Your Excellency. I was not here at the Session of Council in January, so that I am afraid I am rather late in wishing Your Excellency a successful tour. I do not think it was chance that brought Your Excellency back to Nigeria at this time; there must have been a power behind it that Your Excellency should have come to us at this time, and we are thankful to have a man of your stamina who has been able to effect the balancing of the budget without upsetting the community. That you should have been sent round to us in Nigeria again is to our great advantage.

With reference to education, Sir, the less said about it by Unofficial Members, the better. It seems to me to be like a man who has planted an apple tree and expects to find fruit there the next month. Thanks should be given to the Director of Education for the work he has already accomplished. He had a bad time yesterday in Committee, and I think we could all very well leave that subject alone, and give him another chance. We hope that he will do the best he can for us. We cannot expect to see the results of his policy in a day, or a year or even two years, and there must be time allowed before we can give any definite opinion.

The Hon. the Third Lagos Member (Mr. T. A. Doherty):—

I do not possess, Your Excellency, that flowering oratory or fine language employed by politicians and diplomats, neither have I come this afternoon to flatter Your Excellency's Government, but I wish to make an observation and to express my sincere conviction of Your Excellency's efforts, aided by your able Lieutenant-Governors and Heads of Departments, in regard to the management of the affairs of this Dependency of His Majesty. We have before us what Your Excellency has called a balanced budget. Your Excellency is Chairman and Managing Director of a business affair whose turnover is over forty million pounds a year, and we consider that it is a great achievement that you have been able to attain this result, and that is one reason why we are satisfied with the result that has been obtained. But I will go so far as to say, Sir, that to many people a balanced budget means increased taxation, and a time of great sacrifice, and usually that is borne by the indigenous population of the country, because they are the ultimate consumers of the taxed goods, and they are also the primary producers of the exports of this country.

The question that comes to my mind then is whether we are being sufficiently recompensed for these great sacrifices. No doubt to an appreciable extent the Government of this country has showed willingness in giving to us certain of our demands, but I am one of those who are still not satisfied with the lot of the African in the Government Service. Some say that the African wants a lot, and that he wants to progress at break neck speed, but I do not say that. If you consider the development of this country in the comparatively short period of eighty years since the British Government took over affairs, and the fact that we are now producing the wealth of the country in terms of its products, I do not think it is out of place if we demand that more opportunities are given to us in the posts of the Government of this country. Thirty years ago the highest post held by an African was Chief Clerk with a maximum salary of £300. To-day he gets £400, and that is the highest salary he can receive. This increase is not in proportion to the increases received by Europeans. Thirty years ago the District Officer received £500, but to-day he goes up to £960. Thirty years ago the Commissioner of a Province received £600, but to-day the Commissioner has been replaced by a Resident who receives £1,200. Thirty years ago the African held proportionately higher posts in the Service than he does to-day. It does appear that there has been a tendency to grade down the posts held by Africans, and I wish to give a few indications of this point. When I was at school the Deputy Director of Education was Mr. Carr: I think to-day that the highest African post in the Education Department is Assistant Chief Clerk. A few years ago the post of Chief Registrar at the Supreme Court in Lagos was held most capably by an African, but to-day that post has passed to a European. It would appear that there has been no appreciable progress in this respect: there are few European appointments held by Africans to-day, and our position in this respect is not improving.

I wish next to call attention to the Address presented by Your Excellency to this Council, and I wish to express my appreciation of the broad-mindedness and sympathy which it shows and which is characteristic of Your Excellency's nature. I would ask Your Excellency to be so good as to allow a few thousand of these pamphlets to be circulated throughout Nigeria. I have always been a believer of Indirect Rule, or as Your Excellency now terms it, Indirect Administration. I have had several arguments with people who are against it simply because they do not understand it, and I find it difficult to maintain an argument in these circumstances, and I consider that it would be most helpful if this pamphlet, which I consider as a treatise on Native Administration, could be circulated not only in Nigeria, but all over West Africa.

I want to refer also, Sir, to the question of the Lagos Town Council. Your Excellency believes that it should be trained to stand by itself, and I believe there is no better training than teaching a man to do a thing himself, and I believe the only way in which the Lagos Town Council can learn is to allow it to stand by itself. Government at present considers that it is not sufficiently self-supporting, and that of course the Government is entitled to say because of the subsidy of £25,000 that it gives us. I consider, however, that if Government withdrew that subsidy and gave us an opportunity of seeing what we could do ourselves, we would be much obliged to Your Excellency. I was fortunate enough to be a member of the Committee to consider the Lagos Town Council affairs which was presided over by Major Lawrence, and I raised this point and was given to understand that the matter was going to be brought to the attention of Your Excellency. I was informed later that the matter was under consideration by the Government, and it still seems to be under consideration. We should appreciate it very much if Your Excellency would give this matter due consideration so as to give us this chance.

I was going to deal with the question of unemployment, but the Honourable Member for the Egba Division has anticipated me to an appreciable extent, and I have only one or two points to add. A few years ago we had in this Colony a Commercial Intelligence Officer. That post has been abolished, and I do not think that any Department of this Government is doing the duties of that post. It is most unfortunate that the Government has not been able to tackle this question of unemployment. It is of course a world-wide question, but each country has been tackling its own difficulties, and in England, the Minister of Agriculture as I understand it, is making every possible effort to settle unemployed men on the land; but this means of course that Government has to subsidise them to enable them to do so. Looking through some Indian journals I find that the Indian Government has tackled the question of village home industries, and I think if the Government were to go into this question some solution might be found for unemployment in this country. There are a lot of home industries which could be developed with very little capital.

The next point to which I wish to refer is education, but I think enough has been said about it to-day, and I only wish to add

that I consider Government should spend more money on education as a matter of fact, so that we can have free, and if possible, compulsory education in this country.

**His Excellency:—**

The Unofficial Section of the Council has had four and a half hours to-day. The Official Section wants about an hour and a half, and it is impossible therefore, I regret to say, to finish to-night. I must therefore adjourn the Council until 10.30 tomorrow morning.

*Council adjourned at 4.30 p.m.*

DEBATES  
IN THE  
LEGISLATIVE COUNCIL  
OF  
NIGERIA  
ON  
Friday, 10th March, 1933.

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Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 10.30 a.m. on Friday the 10th of March, 1933.

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PRESENT.  
OFFICIAL MEMBERS.

- The Governor,  
His Excellency Sir Donald Cameron, G.C.M.G., K.B.E.
- The Chief Secretary to the Government,  
The Honourable Mr. G. Hemmant, C.M.G.
- The Lieutenant-Governor, Southern Provinces,  
His Honour Captain W. Buchanan Smith, C.M.G., M.C.
- The Attorney-General,  
The Honourable Mr. A. C. V. Prior.
- The Treasurer,  
The Honourable Mr. C. W. Leese, C.M.G.
- The Director of Medical and Sanitary Service,  
The Honourable Dr. W. B. Johnson, C.M.G.
- The Honourable Mr. E. R. J. Hussey,  
Director of Education.
- The Director of Marine,  
The Honourable Capt. L. J. Hall, O.B.E., R.D., R.N.R.
- The Comptroller of Customs,  
The Honourable Mr. E. C. F. Bird.
- The Secretary, Northern Provinces,  
The Honourable Mr. G. J. Lethem.

- The Deputy Chief Secretary,  
The Honourable Mr. A. C. M. Burns, C.M.G.
- The Acting Administrator of the Colony,  
The Honourable Mr. E. M. Falk.
- The Senior Resident, Ilorin Province,  
The Honourable H. B. Hermon-Hodge.
- The Senior Resident, Owerri Province,  
The Honourable Mr. O. W. Firth.
- The Acting Secretary, Southern Provinces,  
The Honourable Mr. G. G. Shute.
- The Acting General Manager of the Railway,  
The Honourable Mr. W. Cramer Bostock.
- The Director of Public Works,  
The Honourable Mr. C. L. Cox.
- The Director of Agriculture,  
The Honourable Mr. O. T. Faulkner, C.M.G.
- The Honourable Lt.-Col. R. H. Rowe, D.S.O., M.C.,  
Commissioner of Lands.
- The Honourable Mr. C. W. Duncan, C.B.E. (Provisional)  
Inspector-General of Police.

## UNOFFICIAL MEMBERS.

- The First Lagos Member,  
The Honourable Dr. C. C. Adeniyi-Jones.
- The Member for the Colony Division,  
The Honourable Sir Kitoyi Ajasa, Kt., O.B.E.
- The Second Lagos Member,  
The Honourable Mr. E. O. Moore.
- The Member Representing the Niger African Traders,  
The Honourable Mr. S. C. Obianwu.
- The Commercial Member for Calabar,  
The Honourable Mr. G. Graham Paul.
- The Member for the Egba Division,  
The Honourable Mr. S. H. Pearce.
- The Member for the Rivers Division,  
The Honourable Mr. Mark Pepple Jaja.
- The Commercial Member for Lagos,  
The Honourable Mr. R. F. Irving.
- The Member for the Warri-Benin Division,  
The Honourable Mr. I. T. Palmer.

- The Member for Calabar,  
The Honourable Mr. C. W. Clinton.
- The Third Lagos Member,  
The Honourable Mr. T. A. Doherty.
- The Banking Member,  
The Honourable Mr. L. M. Herapath.
- The Commercial Member for Kano,  
The Honourable Mr. T. Hepburn.
- The Member for the Ibo Division,  
The Venerable Archdeacon G. T. Basden.
- The Commercial Member for Port Harcourt,  
The Honourable Mr. P. H. Davey.
- The Member for Shipping (Provisional),  
The Honourable Mr. T. Whitfield, O.B.E.
- The Mining Member (Provisional),  
The Honourable Mr. J. D. Young.

## ABSENT.

- The Acting Lieutenant-Governor, Northern Provinces,  
His Honour Mr. G. S. Browne, C.M.G.
- The Commandant,  
The Honourable Colonel W. R. Meredith, D.S.O.
- The Senior Resident, Plateau Province,  
The Honourable Mr. H. H. Middleton.
- The Senior Resident, Kano Province,  
The Honourable Mr. H. O. Lindsell.
- The Senior Resident, Calabar Province,  
The Honourable Mr. G. H. Findlay.
- The Resident, Niger Province,  
The Honourable Mr. H. F. Backwell.
- The Resident, Bornu Province,  
The Honourable Mr. P. de Putron.
- The Resident, Kabba Province,  
The Honourable Mr. H. B. James.
- The Resident, Warri Province,  
The Honourable Mr. J. W. C. Rutherford.
- The Resident, Benue Province,  
The Honourable Mr. E. S. Pembleton.
- The Member for the Oyo Division,  
The Honourable Mr. A. S. Agbaje.

## PRAYERS.

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

## CONFIRMATION OF MINUTES.

The Minutes of the meeting held on the 9th March, 1933, having been printed and circulated to Honourable Members were taken as read and confirmed.

## BILL.

*Continuation of debate on the Supply Bill.*

The Hon. Mr. E. R. J. Hussey (Director of Education):—

Your Excellency. The Honourable the First Lagos Member in the course of his speech yesterday referred to the fact that I was subjected to severe cross-examination during the sitting of the Finance Committee, and I must confess that during the last few days I have experienced very much the feelings of a prisoner in the dock. On the other hand I have received considerable support and assistance from various Honourable Members on the other side of the House who have constituted themselves "the prisoner's friend". The Honourable Member mentioned the fact that in every Legislative Assembly in the world education is a matter of very great criticism. Nearly everyone is an expert on educational matters and a confident critic of educational policy, and it is perhaps only those who have had to operate an educational scheme who realise the wide gap that exists between theory and practice. It is also worthy of observation in this connexion that education is often held responsible for many of those social and political problems and difficulties that come in on the rising tide of civilisation.

I have been trying during the last three or four days to discover what the exact charge against education is, and I think perhaps the best plan would be to make a few remarks first on those subjects that were brought up during the debate, and then to deal very shortly with the criticisms which were implicit in the speeches of some Honourable Members, but were explicitly and far more forcibly discussed during the sittings of the Finance Committee.

The Honourable Member for Calabar referred to that golden age, I gather of about twenty years ago, when he was able to engage a very remarkable young man as clerk at what would seem to be a very low rate of salary. I am quite sure that there are plenty of young men at the present day quite as good, but I think in view of the rise in the standard of living, it cannot be possible to engage a promising youngster for the same pay as he could have been engaged for in those happy days. With regard to the other misfortunes which the Honourable Member experienced on his return to Nigeria, such, for example, as his sartorial difficulties, I do not feel that this is really an educational problem, and I do not therefore propose to discuss it.

I was very sorry to hear the Honourable Commercial Member for Lagos criticising the character, integrity and loyalty of that great body of African clerks and assistants. I have been in this country barely three years, but I have nowhere been more loyally and conscientiously served than I have been in Nigeria. (Cheers). I believe that my colleagues on the Government side will substantiate this as well as many of the Honourable Members on the other side of the House. I do not pretend that there are not failures. There are failures in every country, but I think it is a remarkable fact that the proportion of failures in this country is as small as it is.

I do not suggest for a moment that the products of our schools are always beyond reproach. In that most important aspect of education, the training of character, we have to rely to a very large extent on the co-operation of parents, and unfortunately the co-operation of parents is not always readily attained. It is a matter which has been receiving our attention for some time, and we hope that we shall in future—both headmasters and educational authorities—get the co-operation of parents in a greater degree than we have done before. I think a great deal of this is due to the civilisation which is coming suddenly to Africa: old sanctions have been removed and new sanctions have not yet taken their place. Parental authority has been weakened, and with it that responsibility for children which is so essential.

I have listened to the speech of the Honourable Member for the Ibo Division with the greatest interest, and I am in full sympathy with him over the difficulties he is experiencing with regard to grants. When the 1926 Code was launched it was apparently expected that there would always be sufficient money to pay grants to all schools which qualified for them under that Code, and during the first two or three years of its operation it was possible to obtain by Special Warrant additional sums of money for schools which were not provided for under the Estimates passed by this Council. When the financial position of the country altered a good many schools, as the Honourable Member has said, were left in the air, and it has been a matter of considerable difficulty for proprietors of schools all over the country to adjust this state of affairs. The position with regard to the future is now quite clear. No schools are being encouraged to spend money in anticipation of a grant. When the Estimates can again provide for a large sum for Grants-in-Aid and for Grants-for-Buildings, and when those Estimates have been passed by this Council, the first thing to be considered will be what places are most needing new schools and then, either new schools may be built, or existing schools may be changed, but the grant will be given at once, and the schools will be given sufficient time to bring their standard up to what is required by the Code. I do not like to leave this subject introduced by the Honourable Member for the Ibo Division without paying my tribute of admiration to the educational work that has been accomplished by the Mission Societies in Nigeria for so many years (cheers), and especially would I refer to the very loyal co-operation that I have received during this very difficult time of financial depression.

I will refer now to the question of elementary and primary education which was introduced by the Honourable First Lagos Member. Elementary education is of course a matter of vital importance. It is only by widespread and well-balanced elementary education that we can hope to engender a sound public opinion which is so necessary in these days of social and political development. The real point at issue is the position of what are called Standards V and VI of primary schools. In the past it has been sometimes the ambition of schools to attain to Standard VI merely in order to gain those privileges which come to them from getting passes in the Standard VI examination, with the result that headmasters were liable to concentrate their teaching power on that class and not give sufficient attention to the lower classes. The change, which is for the most part at present merely a change in name, requires that Standard IV shall be the end of what may properly be called the elementary stage, and the aim of an elementary school. Schools which enjoy a course of six years' duration are to give a sound practical education, which may be of value to men and women throughout life. The old Standards V and VI are now called "Classes I and II, Middle" and the ultimate idea is that there should eventually be good middle schools round the country attended by pupils from the elementary schools in the neighbourhood, well staffed, and well equipped. The result would be that elementary schools would gain by not being subjected to examination systems, while the lower middle schools should not stop at Class II (or the old Standard VI), because that is a standard of education which in these days is no longer considered an adequate qualification for clerical work. If the general result was that there was a small proportion of pupils belonging to the elementary stage—a stage which is meant to be a preparation for life for the ordinary man or woman—but that those who did proceed further got a much fuller and better education, then we may go some way towards solving the problem of the large number of unemployed and unemployable young men who throng our towns. There is no compulsion in the matter, but when we have had to make economies in Government schools, rather than shut down schools altogether we have sometimes broken off the top two classes and got the students to attend a neighbouring school which had a Lower Middle section, and when any schools have applied for grants we have sometimes offered a grant for an elementary section only provided that there were reasonable facilities for lower middle school work in the neighbourhood. There is a vast number of schools—in fact the majority of schools—which have not yet reached the standard of Class IV in the elementary stage, and we feel that it is more important to help such schools to reach that stage than to increase unduly the number of Lower Middle type, both in Lagos and elsewhere. Owing to the present financial position advantage has been taken of this organisation to combine in one school the top classes of several schools where, as is often the case, those top classes have very few students. I hope this explanation will dispose of the bogey that there is anything in the educational policy intended to lower the standard of education or to limit opportunity.

The Honourable Member referred also to the question of vernacular education. I have had the privilege of discussing this question with him on more than one occasion and I do not think there is much if any variation in our views. We all want to improve the standard of English in elementary schools, and experiments are being made in the Government training centres which we hope will improve the quality of English teaching throughout the schools, but we do maintain that in the infant schools the vernacular should be used wherever possible as the first approach to education.

With regard to the question of free education which has been mentioned by the Honourable the First and the Honourable the Third Lagos Members I am afraid I can offer no hope. The question of free education is generally bound up with the far bigger issue of compulsory education and that is a subject which is beyond the realm of practical politics in this country at the present time.

I will now deal with some of the criticisms which, as I have said, were implicit in the speeches of Honourable Members. I will take first the question of overhead charges, which is in effect the question of the number of Europeans employed in the Educational Service. During the last three years we have had a period of considerable expansion both in boys and girls work. New schools have been opened; new training centres and higher colleges have been started, and so on, but during that period we have reduced the European staff of the Education Department by more than thirty. This has been made possible by concentrating our European staff more in institutions and leaving far more of the supervision, inspection and control to selected Africans, and I should like to say here how very gratifying it is to hear from all quarters how well they are responding to this increased responsibility which has been given them.

Conditions in the Northern Provinces are very different from conditions in the South. Education in the Northern Provinces has had a hard battle to fight against Islamic prejudices, and is only just beginning to bear fruit, but there have been tremendous strides during the last few years, and I would like especially to allude to the fact that there has been started a scheme for girls' education in the North. I do not suppose that Honourable Members can realise what incalculable effects that must have on the social development of these people in the North. The number of Superintendents employed in the Northern Provinces is 42, less than before, and the majority of them are employed in institutions, while the work of supervision is being taken over, and has to some extent already been taken over, by Africans.

In the Southern Provinces, with approximately the same number of Europeans, the work is far more extensive and this number can only be sufficient because it is possible to use Africans still more in the more advanced stages. Your Excellency's Memorandum explains very clearly why it is necessary to employ Europeans in the general administration of the country, and I think that the same arguments can apply *mutatis mutandis* to the employment of

Europeans in the Educational Service. I would only add that it is a very dangerous thing to relax European control too quickly during the most important period of the gradual awakening of the African peoples and the great growth of African trade.

I will now very briefly give an analysis of the money which is voted for education in these Estimates. Approximately £64,000 is being spent in the Northern Provinces which includes £1,000 or rather more in Grants to Missions. £87,000 is devoted to Grants to Missions in the Southern Provinces, and £75,000 is being spent in general supervision, control and inspection, the financing of all Government day schools, and the training centres, language bureaux and various other special services. £21,000 is accounted for by the three colleges, King's College, Ibadan and Umuahia Colleges, and the new Higher College which has just been started.

It may well be asked, why should Government have institutions of this kind at all? I think the answer is briefly this. In the first place it is necessary to have institutions at this stage of education to set the traditions. In the second place it is necessary to provide facilities at this stage of education for boys who for one reason or another do not wish to join a denominational college, and in the third place it is necessary to have these colleges as an insurance scheme for the supply of promising and suitable students for the Higher Colleges. I admit that the expense of these colleges is pretty heavy. It is very largely that of staff, as indeed it is in all institutions of this type all over the world. With regard to Ibadan and Umuahia, those schools have been running barely three years and have not yet reached their full complement of students and so the cost per head in those colleges will be reduced when more students are enrolled. Again, as trained teachers become available from the Higher College, it will be possible to use more of them and less Europeans in these higher stages of education.

In conclusion, Your Excellency, I would ask Honourable Members to believe that where expenditure is heavy we are doing our best to reduce it provided that in so doing it does not impair the essential structure of the educational policy. We are striving to meet the demands of the masses of the people for more and yet more education while at the same time concentrating some of our resources at the top in order that the fullest possible opportunity may be given to Africans to attain that knowledge and stability through which in the fullness of time they may be able, in the words of Your Excellency's Memorandum, to stand by themselves.

I hope that in the light of what I have said Honourable Members will be satisfied that we are giving value for money, that progress is being maintained, and that work is being accomplished which is not unworthy of the great interest taken in education by this Honourable Council. (Applause).

**His Honour the Lieutenant-Governor, Southern Provinces:—**

Your Excellency, Several Honourable Members during the course of the debate have mentioned matters affecting the Southern Provinces. I do not think that any of these questions are really

of great urgency or require reply, but I should like to be able to satisfy Honourable Members as far as I can in regard to such matters as the water supply at Calabar, and also as regards certain aspects of Native Administration.

The first question with which I will deal is the Calabar water supply. Like other places Calabar no doubt desires to be able to pay its loan charges for its water supply, and for its maintenance. I understand that the capital expenditure on an improved supply will be £17,226, and that the annual charges and maintenance costs will amount to £2,650. The suggestions for payment put forward by the Resident fall short of that figure by £900. I have recently put up a scheme of rating for Enugu which awaits the approval of Government, and it is possible that when that scheme has been examined and we are told how far we are in the right or how far we are in the wrong, that the Resident, Calabar, may be able to put up a somewhat different scheme for Calabar, and be able to come nearer to the figure which he must cover. In any case the Honourable Members for Calabar may rest assured that their interests in this matter are not being overlooked.

The other question to which the Honourable Member for Calabar referred was the so-called neglect of Calabar. I have heard it stated before that Calabar has been neglected, but I have never really been able to arrive at the true reason for that statement. It is a fact that in the old days Calabar was the headquarters of Southern Nigeria, and that privilege—if it was a privilege—departed with the amalgamation of Lagos and Southern Nigeria. That is a long time ago. Hitherto it had owed its predominant position very largely to the fact that the hinterland was almost entirely undeveloped, and where we have now Enugu, Aba, and also of course Port Harcourt, these were formerly waste places. All those towns have since come into being and the country has been more developed, and Calabar as a result has necessarily lost some of its former prestige. It would however be just as fair to say that Lagos, or Kaduna have suffered from the opening up of the country as to say that Calabar has suffered. Calabar has not really suffered: it is just as much a part of Nigeria as are Enugu, Kaduna and Lagos. I hope therefore that my friends from Calabar will try and get over their somewhat unnecessary inferiority complex. It is quite unjustified.

The next matter with which I have to deal is the point made by the Honourable the Member for the Egba Division. The Honourable Member was very unhappy about the reduction from seventy to sixty per cent of the Native Administration's share of the tax. I think he forgets that only a year or two years ago the share of the tax was only fifty per cent, and I think it will be agreed that Government is quite as justified in asking the Egba Native Administration to accept sixty per cent as their share of the tax—a reduction of ten per cent—as it was in handing over an extra twenty per cent two years ago. In any case I think the Honourable Member will agree that the Egba Native Administration is just as much part of the Administration of Nigeria as

any other Native Administration, and that it should be no less willing than are the other Native Administrations to make this extra contribution to the Central Government during a time of considerable difficulty.

The other point to which the Honourable Member referred was unemployment. He was anxious that the Government should contribute to the upkeep of the unemployed or that it should provide money in order to enable them to find work. Quite apart from the impossibility of such a suggestion at the present time, I cannot help thinking that the Honourable Member could have done a little better. I am told by the Honourable the Member for the Colony Division that the unemployed in Egbaland were summoned to Abeokuta and told to work on their farms, and that this they could not bring themselves to do. I can believe that certain of the unemployed would like to do more than just provide their own food supplies, but at least there are a great number of Yorubas unemployed in Lagos, and I can see no reason why they should not go back to their own country. They all have farms which belong to their families and I am assured by everybody who knows anything about Yoruba land tenure that those farms cannot be taken away from them except for some reason such as bad behaviour.

Now I have a suggestion to make to the Honourable Member, and that is that he should send back at least some of these unemployed to their homes, that he should give them something more than food supplies to work for: that he should in fact persuade them to plant their food supplies and then plant up the remainder of their land with selected palm seeds. If the Honourable Member will go to Benin he will find there farms which are bearing well at three years, that is to say they get their return twelve years sooner than they would have done by planting in the bush. If he could persuade some of his people to do that, and I am quite sure that he could, he would be doing not only good service to his own people, the Egbas, but he would also be helping Nigeria in a way the results of which would be incalculable.

I will now turn to the question of Native Administration. I must say that it was with very great pleasure that I heard the appreciation with which Your Excellency's Memorandum has been received by the Unofficial Members of this Council. I have always felt that when they began to realise what it all meant the system of native administration would find no stronger supporters, and it is with considerable confidence that I look forward to the assistance which will be given me in future by the Members of this Council. I can assure both the Honourable the Second Lagos Member and the Honourable Member representing the Niger African Traders that that memorandum has been in the hands of Administrative Officers for practically eighteen months, and it is their guide in many problems which arise when dealing with Native Administrations at their outset.

Having said this I must admit that it was with a certain amount of dismay that I heard the Honourable Member for Calabar stating that this was his first intimation as to the aims and

intentions of Native Administration. To take this tour alone: I came out here at the beginning of November, 1931, and I have travelled a good deal over the Southern Provinces during the intervening months. I have travelled very extensively in the Calabar Province, and I have even addressed the Honourable Member's own constituents, explaining at length what native administration means and what we hope to attain by it. I must say that I was very disappointed to find that the Honourable Member for Calabar himself had no idea of what it means. If he had asked some of his constituents they could have told him. Anyway now that he has got the Memorandum in his hands I shall look forward with pleasure to having his assistance on many occasions in future.

On the other hand I have to thank at least two Honourable Members for their very sympathetic help, and for the understanding manner with which they have treated much that I have had to say to them. Those gentlemen are the Honourable the Commercial Member for Calabar, and the Honourable Member representing the Ibo Division. They have been of very great assistance to me on many occasions.

I think that in the Southern Provinces we have chiefly to fight against two great difficulties. The first is the fear that our native administration policy may be anti-educational and anti-Christian, and the other great difficulty, and to my mind a far worse difficulty, with which we have to contend is that it affords a loophole at the very beginning to the self-seeker. About two years ago I was asked to go to Onitsha and address the Synod of the C.M.S. on the subject of native administration. I did so with great pleasure because I knew there would be a great many educated people there. I then said, as I think certain Honourable Members will remember, that I was quite certain that any policy designed to establish native administration in the Southern Provinces which failed to pay attention to education or to Christianity was bound to be a failure. I also asked that the educated gentlemen present should assist us in explaining matters as far as they could to those who were not clear as to what we were aiming at, and this they promised to do. I think that in a small way I can say that the policy set forth in that speech is now bearing fruit. The educated and Christian members of villages in the Calabar Provinces are, for instance, taking an interest in the village councils and in the clan councils. They are becoming members of those councils. Further, even in the Onitsha Province—one of the most backward at present—in which in the past the people have been very largely ruled by societies, those societies are beginning to welcome the Christian and to allow him to become a full member without undergoing any of the rites which would offend his faith. I think that the missionaries can help to a great extent in this way, and to a layman it would appear to be a great opportunity for them.

I have referred to another rather serious difficulty, and that is to the self-seeker. There are still a great number of people who think that because they have been put on a council or placed at the head of a village or clan that they can manage affairs as autocrats

and pay no attention to their council. That of course is not the intention, and throughout the Southern Provinces I think it will be found that no chief is likely to survive long who pays no attention to his council. That fact will I am sure gradually sink in and it will soon be realised that the policy of indirect rule is not intended to bolster up any individual: it is intended to be for the benefit of the whole people. Heads of villages and clans must work together with their councils, and those councils cannot function if they do not have a following of the people themselves.

I admit that there are one or two places where there are difficulties. The Honourable Member representing the Niger African Traders has told me that there has been very little done in Onitsha. That of course is true in Onitsha itself, but there the position is almost impossible. For a very considerable time the people of Onitsha have been disputing as to which of three candidates—there were I believe once five candidates concerned—should be their Obi. The only thing to do in these circumstances is to wait until they have come to their senses. In the rest of Onitsha, however, there has been a considerable amount of re-organisation, and a great many intelligence reports have been sent in, and I can assure the Honourable Member for Calabar that those intelligence reports are very carefully scrutinised. There have been cases where reports have come in which show that the officer who has written the report has done so with a view to finding what he wanted to find. Those reports are sent back at once and the officers are asked to reconsider them and go a little more deeply into the matter than they have apparently done. I am glad to say that those cases are very few and far between.

I think therefore that though progress is slow, it is sure, and we are really doing something to start indirect rule in the Southern Provinces, and in a few years to come Honourable Members will see a great difference.

There is one last point which I should like to mention. The Honourable Member for the Colony Division stated that he hoped the Governor would keep on the older officers of the Administrative Service, and not rely too greatly on the juniors. Well, I agree as regards the older members of the Administrative Service, but I think the Honourable Member was wrong when he expressed doubts as to the value of the work done by some of the younger members of the Service. The Honourable Member and I have served Nigeria for a good many years, and in the ordinary course I shall soon be handing over to a successor, but I can assure him that when I leave Nigeria it will be with the knowledge that it is a better country than it was when I came here in 1909 and that that improvement is due in a very large degree to the younger administrative officers. (Applause).

His Excellency:—

Honourable Members of the Legislative Council. In the first place, I am able to do now what I was unable to do last year and that is to express my great pleasure at having listened yesterday and to-day to a dignified, and generally speaking, an able debate

on the second reading of the Supply Bill. It has taken me back to my old days in this Council when I sat in the chair now occupied by my Honourable friend, the Chief Secretary, when the debate extended over one or two days and was of a high quality, a masterpiece of summing-up of the debate being made by my late respected Governor, Sir Hugh Clifford. Last year I found that the second reading of the Supply Bill had become an absolutely perfunctory performance, so much so that I had great difficulty in concealing my depression. Indeed, I made up my mind then that I would not prepare another Address to the Council as I felt that nobody had read it; but I found on consideration that there was work to be done and that that work could best be done through the form of an Address to the Council. I therefore had to prepare another Address, the Address which was laid before Honourable Members on Monday last, and has given rise to this interesting discussion.

Matters of importance have been discussed in the course of the debate, the most important being the question of the estimate of Customs revenue. I am not quite clear why the estimate of Customs revenue should have been specially selected because it represents only a little more than one half of the total estimate of Revenue for the year, and a failure in other large sources of revenue would of course have the same effect as a failure in the estimate of Customs revenue during the next twelve months. Since I returned to Nigeria in December last—and my colleagues and advisers would confirm this—I have made use of one constant note; that the estimates of revenue for next year must be free from any element of speculation whatsoever; that it was imperative that they should be estimates that we could defend with sincerity and conviction. One Honourable Member, I think it was the Honourable the Commercial Member for Kano, said that he wondered—although he was not, I think, entirely desirous of imputing that the estimate of revenue from Customs duties had been inflated in order that it might be able to balance the budget—yet he wondered nevertheless how it was the budget had been balanced. Well, one would be full of wonder with regard to the finances of this country or of any other country if one only looked at the surface of things. The primary reason why the budget for this year has been balanced lies in the fact that the expenditure is over three million pounds less than it was in 1929-30. That is the primary factor. The revenue has fallen, but the expenditure has fallen more.

The Honourable the Commercial Member for Lagos, in a clear and business like way, has put before the Council, as I understand it, the doubts of himself and his colleagues whom he represents. He says in effect: "we are not in a position to make any close calculation, but we have a feeling that the estimate of Revenue is unduly optimistic." I believe I am correctly representing what the Honourable Member said. In the first place I should explain that the estimate of Revenue was not prepared and sanctioned until after the estimates of Expenditure had been prepared and sanctioned, and any suggestion that the revenue was adjusted to meet the expenditure, as was rather hinted by the Honourable Member for Kano, is not well founded. The estimates of Expenditure were framed on the principle that every penny was to

be saved that could possibly be saved without unduly impairing the efficiency of the Service. That was the first consideration, and when the total was settled, then the estimate of Revenue was finally submitted to me for sanction. The total estimate of Revenue, not only the Customs Revenue, but including all the other items of Revenue as well, was then pruned by my advisers and finally by myself, and the total now presented is considerably less than the total of the first draft of the Budget. There are places in the estimate of Revenue on which I could put my hand now and say that the item could in my judgment be increased by five or ten thousand pounds, but I have refrained from doing so because I wished to pursue a very cautious policy in estimating the revenue.

Last year—I wonder if the Council recollects the fact—we estimated for an increase of £300,000 in Customs revenue over and above the revised figure for the previous year. We proceeded this year as far as possible on the same basis and on the same principle as we proceeded last year: that is to frame our estimates on what we knew, on the facts before us without any element of speculation, and there was not a word of suggestion from the Council last year, as far as I recollect, that we were over-estimating the Customs Revenue. As a matter of fact at that time, twelve months ago, I did think it possible that we might be over-estimating the revenue, but it is now almost certain that out of a total of £2,362,000, representing the revised estimate of Customs revenue for the year, we shall be within a few thousand pounds when the accounts are available at the end of this month. That is a matter of some satisfaction because it shows that the method that we employed last year and which we desire to employ again this year is in our judgment the correct method.

The estimates of Customs Revenue for next year, taking the two items export and import duties together, are £78,000 above the revised estimates for the current year, that is to say, an increase of about three per cent. The further difference, a difference of about £200,000 is due to the action—and I shall allude to it again when referring to the remarks of the Honourable Commercial Member for Calabar—the action in regard to the evasion of taxation by automatic process which we took in January; we stopped up the hole through which revenue was leaking. Our estimate, therefore, is in fact no more than three per cent above last year after adjusting it for the new duties, that is to say, adjusting it for the change over from *ad valorem* to specific duties. Our estimate for the new year is justified in this way: during the last six months up to the time the budget was framed we received a certain amount in Customs Revenue. We did not get as much during the previous months of the financial year, and all that we are saying on this occasion is that the Estimate shall be prepared on the basis that the yield of revenue for the last six months will be applicable to the whole of the next financial year, instead of to only a portion of it, that is, that we are going to budget on ascertained figures. Now there were three courses which we might have adopted. We might have based the estimate on an anticipated improvement of trade. We declined to do that. We could have

based the estimate—and this we did—on the present volume of trade, or we could have based it on a lower level of trade. The Honourable Member who represents the Chambers of Commerce has taken the last view, frightened into it I think—if I may use the term—to a large extent by the fact that the February revenue was so much less than the January revenue. But we knew all about that. When we made our estimate of the Customs receipts for the last six months, we discounted the fact that the January receipts were abnormal. We wrote them down considerably because we knew there had been forestalling. We knew that the February receipts were going to drop, as they did drop, but we had already discounted that drop by discounting the abnormally high receipts in January.

We shall not agree, I suppose, whether our method, the method of basing our estimate on the present volume of trade (which are the only figures we have) is the correct one, or whether the correct procedure is to base the estimate on a lower level of trade; but surely Honourable Members on the other side of the House will agree that prospects during the last three, four or even six months have been better than they were at this time twelve months ago? The tone of the Home press is to that effect, and I would refer also to the confident note struck by the Chancellor of the Exchequer on Wednesday night—the speech is before Honourable Members in the daily paper this morning—when he spoke of sterling prices.

We know, taking Nigeria alone, that the commission which was formerly paid to their agents by the trading houses and which had been abolished for a period, has been restored although in a very modest manner, probably only about the three per cent that we are "gambling" on, but anyway there has been a return to the payment of commission. We know from published accounts of one of the big corporations trading in West Africa that an improvement in trade during the year is shown. I know that one large and influential firm trading in West Africa has lately restored the pay of those of its employees whose salaries had been cut sixteen months before, the amount by which they had been cut. My information is that they were reasonably satisfied with the restabilisation of trade, and had therefore abolished salary cuts so far as the salaries of those staff had been reduced as an emergency measure.

There is another factor also of considerable importance when looking at this year in comparison with last year which not only gives the Government confidence, but shows that the finances of the country have undoubtedly improved. When I stood up here last year we were budgetting for a balance at the end of the financial year, that is to say a surplus of assets over liabilities, of £1,621,000. This year we are budgetting for a surplus of £2,234,000, an improvement of £600,000. Our position is therefore a much stronger one, and I have little doubt in my mind that if the present volume of trade continues we shall realise our estimate of Revenue: not only the estimate of Customs Revenue, but the whole estimate of Revenue. If we do not realise it, it will not be because we have

added up two and two to make five, but because conditions have changed. If the estimate proves to be more, we shall not have made a mistake in our arithmetic either; the increase will be due to the fact that conditions have changed for the better.

This morning I made again the calculations which I made six weeks ago, and which I have not made since, to reassure my mind that the estimate of Customs Revenue on the figures which I have, and which are the best figures that anybody can have—they are not available I am afraid in the same way to the Chambers of Commerce—is really justified, and I worked out the figure to £2,648,000. The sum put down in the Estimates is £2,640,000.

It has occasioned me surprise that the estimate of Customs Revenue should be criticised on this occasion when it was not criticised last year, but I say that in no carping spirit. Unofficial Members have every reason and right to criticise figures, and I hope they will always do so, and in many cases there is no doubt that in such manner they can be of assistance to Government.

I said in my opening remarks, when I laid my Address on the table, that the vigilance that has been used in safeguarding the public finances would not be relaxed, and that if there was a serious shortfall of revenue steps would be taken, I think I used the words "to redress the balance so far as may be possible", and those steps will be taken, but so far as I am concerned they will have no reference to increased taxation. (Cheers). I have said steadfastly since July, 1931, both here and in England, that I am absolutely set against and opposed to any further taxation. I have perhaps remained longer on the financial issue than I should have done, and there are one or two other matters to which I desire to allude.

I hear with great regret from the Honourable the Commercial Member for Calabar that he will be absent from the Colony during the exceedingly interesting debates that we shall have here I anticipate on what I call the judicial reforms. I would have postponed the Bills in order to have the assistance of the Honourable Member, but I am afraid that he will be away too long. I do however make one suggestion. The Honourable Member says with great truth that there is a great deal in those Bills in regard to what is to be done which is left open to the discretion of the Governor, and that it is not easy therefore to see now exactly what their application may be. I make the suggestion that either this Council or the Bar, after they have examined those Bills, should set up a small Committee, and if they will do so I will give every facility to them to come and discuss the matter with me and ascertain the further explanations I may be able to give. (Cheers).

The same Honourable Member spoke about an increase of taxation which is estimated to yield £200,000 that had been imposed on the people by changing the duties from an *ad valorem* to a specific basis. The Honourable Member was not able to attend the January meeting when that measure was discussed, and I cannot let his statement go without some qualification, because it would be

misunderstood. What we have done has been to take steps to prevent, as I said earlier in my opening speech this morning, the evasion of taxation by automatic process. Some time ago a man—I am not going to give you the exact ratio for it is not necessary—a man was paying twelvepence for a piece of cloth, and one penny duty, making a total of thirteence. That one penny duty was required by the Government. Now he can buy that piece of cloth for sixpence, fourpence or even threepence, and we tell him that he must still pay something equivalent to that penny. We have not asked him for the whole penny: we have asked him for about seven-eighths of a penny, and we have told him that he will not pay sixpence, plus one halfpenny which would represent the automatic amount of evasion of tax if the duties were struck on an *ad valorem* basis, but that he must pay sixpence plus seven-eighths of a penny. It is a duty that has been paid to the revenue year in and year out for a long time past and is no new levy.

The Honourable Member also said that he hoped Government would not only scrutinise every European vacancy when it fell in, but that we would also scrutinise at the same time the emoluments attached to the office. I can assure him that that has been done on every occasion during the last eighteen months. My last effort in this direction was to reduce the salary of a post and to receive a telegram from the Secretary of State to say that it had been offered to the man whom it was desired to have, and he would not accept it: but there have been occasions on which the salary attached to a post has been reduced, and there will be other occasions, in conjunction with the other West African Colonies, in which salaries attaching to certain posts will be reduced; in a short time indeed there will be a general revision of certain classes of salaries.

The Honourable the First Lagos Member spoke of Government entering into competition with the public in regard to the sale of Public Works Department timber. He can be assured that the principle to which he alluded is ever present in the minds of the Government. All we are doing is getting rid of timber, Nigerian timber, which has become surplus owing to the reduction in our building programme, timber which is processed in a manner that can be done by nobody else in Nigeria.

The Honourable Member said with distress that we now stopped at Standard IV in the elementary schools. My friend the Honourable Director of Education has dealt with that, and I also dealt with it in my Address last year. The fact that we had two other standards tacked on to the elementary curriculum, as the Director said this morning, is one of the gravest causes—and I have seen it in operation over a period of twenty-five years—one of the gravest causes of unemployment that now exists in this country.

The Honourable Member alluded to an incident at the January meeting in which he said, as I understood him, that I had administered, or that somebody had said I had administered a stern rebuke to him. I can assure him that I had not the slightest intention of administering any rebuke: all that I felt was that

there was a misunderstanding, and that it was my duty to correct that misunderstanding, and I shall have to go a little further in correcting it in regard to the extracts which the Honourable Member read from a copy of *West Africa* this morning. Those articles are not really pertinent to this discussion. They refer to a proposition to prohibit the entry of Japanese goods into West Africa, or to tax them specially so that they may not be able to compete unfairly with goods from other countries. The proposal before the Council had, of course, nothing to do with that. Japanese and other goods entering this country pay exactly the same rates.

In the matter of unemployment referred to by the Honourable the Member for the Egba Division, I am in entire agreement with the Honourable Member who sits behind him—the Honourable Member for the Colony Division. The Honourable Member talked in an airy way of putting the people on the land. To whom does the land belong, I would ask the Honourable Member? Certainly not to the Government. The land belongs to the African in the Southern Provinces, and does the honourable gentleman suppose for a moment that any sane Government would lend money, for instance, to clerks who are out of work in order that they might plant yams and other food crops on someone else's land? The best advice possible has been given to the unemployed by my Honourable colleague on my left (the Lieutenant-Governor, Southern Provinces). They can found valuable estates by planting oil palms and at the same time they can maintain themselves by growing crops alongside the young trees. (Hear, hear).

The Honourable Member referred also, but I do not think he was very impressive or very serious, to the cut in the share of tax retained by the Native Administrations. I can tell the Honourable Member now that I have the opportunity that even with the cut to sixty per cent the Native Administrations that are affected (with the exception of one or two whose accounts I have not seen yet) are generally much better off than the Government. I have a table here, I extracted it myself, showing that in some Native Administrations, even when the cut has been made, they will have reserves as large as 180 per cent: the reserves as estimated on the 31st March, 1934, run from 100 to 150 up to 180 per cent of their revenue. Native Administrations which are piling up reserves in that manner are quite frankly unable to spend the money in a profitable way, and it is just lying there idle. The Egba Native Administration will begin the next financial year with an estimated surplus of £17,000, and in spite of the cut, it will close with an estimated surplus of £15,000. Why, I would ask has that surplus been reduced from £17,000 to £15,000? Not from any action of the Government in reducing the share of the tax from seventy per cent to sixty per cent but because the Egba Native Administration thinks itself justified in spending £3,700 on extraordinary works—a greater proportion of the revenue than Government itself is spending on extraordinary works. At the same time I would remind the Honourable Member that Government is giving the Egba Native Administration a free gift of £25,000 for its water-works.

I wonder if the Honourable the Member for the Colony Division thinks I am out of order in touching on these various subjects? Under the Standing Order to which he alluded yesterday it is an acknowledged and accepted thing that any subject at all can be debated on the second reading of the Supply Bill. If an Honourable Member really wants to put himself in order without question, he can say for instance: "Referring to the vote for education, I wish to say so and so." He can discuss any question by hanging it on to an item in the Schedule.

I would like my old friend, the Honourable the Member for the Colony Division, to recollect that I have not said one word in my Address about the Resident of the Colony. That was an entirely different post and quite distinct from the Administrator of the Colony. In my Address I have spoken and dealt entirely with the office of the Administrator, and not with the Resident. The Resident served directly under the Administrator.

It has given me considerable satisfaction to hear some of my African friends on the other side of the House get up during the course of this debate and say that they had been converted to the doctrine of indirect rule. Some of these sudden conversions are sometimes a little bit dangerous; however, I hope that they will go on studying the subject, especially those who are outside the Colony (where, of course, there is no Native Administration), and assist the Residents and the Lieutenant-Governor in the application of the doctrine among their own people. It is, however, gratifying to me to find that I was right when I wrote in my Address:—

"It seems to me to be mere folly not to endeavour to  
 "enlist educated African opinion in support of a  
 "policy which we allege to be of such paramount  
 "importance to an African community."

That opinion appears to have been justified.

In regard to Native Administrations I have one more point to add and that is in regard to what the Lieutenant-Governor has just said on the subject of the system of rule by a headman or a chief with his Council. In that, I believe, lies the greatest hope for Native Administration in the Southern Provinces. Why, you will ask? Because it is democratic. Everyone of those people, from the representatives of the humblest village, can at headquarters voice their claims, if only in the first instance, for a small share of the revenue which they have contributed themselves. The absence of such opportunities is one of the great difficulties of the system in the more western parts of the Southern Provinces.

I inserted into my Address the paragraph with regard to education grants because I felt there was an undercurrent of opinion on the subject, and it seemed to me to be a good thing that it should find expression, as it has found expression, through the Honourable the Member for the Ibo Division who, on account of his knowledge and experience has been in a position so ably to discuss it. The Government, no less than the Honourable Member, deplors that the promises that were made several years ago, when

the Revenue was over £7,000,000 cannot, as he himself realises, possibly at the present time be met. I recollect when I was away from Nigeria, in another part of Africa, reading closely the debates in this Council with regard to the African educational policy, which was launched, I think, in 1926-1927. I was preparing at that time to launch an educational scheme in Tanganyika, which has since met I am glad to say with a considerable amount of success. I remember reading those debates in the Nigerian Council, and I made a calculation of what the cost might be to Nigeria in a few years time. I recollect being appalled at the figure it would reach if the promises, shall I call them "promises", that were then made had to be fulfilled. In the same way I read the debates on the same subject in the Gold Coast Legislative Council, and the promises made there, and they also filled me with astonishment. The figure ran into a million pounds in Nigeria, and now the inevitable has happened. We have not got the revenue, and although we have achieved the feat, which has not been achieved by others, of keeping our vote for grants intact, we have not been able to allow for the expansion which the Missions might legitimately expect in more normal times.

The Honourable the Banking Member, in what he seemed to regard as a swan song, and in tones rather more lugubrious than usual treated us to a picture of what he conceived to be the duties of Unofficial Members. If I understood him correctly he said that the Unofficial Members having warned the Government, might then close their eyes and go to sleep. That is not my conception of the whole of the duties and responsibilities of the Unofficial Members, and certainly if I were an Unofficial Member I should go further than that in my conception of what my duties were, even though I might not have been elected directly by a constituency. The Honourable Member said also that all the Unofficial Members could do was summed up in the phrase that they might be lucky enough to be unanimous on a certain subject and that in that case the expression of their opinion would be sent to the Secretary of State, where it might be regarded or it might be disregarded. I do not know why he used the words "if they were lucky enough." It does not seem to me to be a matter in which luck forms an element. Surely it is the value of their case which will determine whether their views will be unanimous or not. Secondly, being a little constitutionally minded myself, as was shown by my reference to matters of the same kind in my Address last year, I do not entirely share the view that if the Unofficial Members are unanimous on any matter it will be sent to the Secretary of State, where their views may be disregarded or otherwise. If the Unofficial Members are unanimous it is not necessary for me in every case to send their opinion to the Secretary of State. I can act myself of course, and Honourable Members will recollect that this time twelve months ago, on an unanimous representation by the unofficial section, without any reference to the Secretary of State, I withdrew from the Council a Bill of some importance.

Flowing from his argument in regard to the duties of the Unofficial Members, that they are there to warn and no more, the Honourable Member has used what I suppose must be regarded as

a warning, and tells us that he has got some mysterious box which has some mysterious thing in it. Whether it is a mouse or a lion, I do not know, but if I understood him correctly, he said he could indicate to us where our estimate of Revenue was too large, and where, on the expenditure side, we could prune the expenditure in order to meet it. If that is the case the contents of his box must be rather in the nature of a mouse than a lion. The Honourable Member is prepared to produce out of another box a second mouse that will destroy the first. I ask the Honourable Member in all sincerity why he did not produce those mice of his in the Finance Committee: why did he not present them to us, tell us all about their pedigrees, and where he got them? I cannot take any notice of mice in a mysterious box that I have never seen, and I do not propose to ask the Honourable Member to open his box. He said if I did not ask him to do so he would not produce the figures. He said he had the figures, I had been warned—and the damnation would be mine. I have not the slightest intention of asking him to produce the figures. I have my calculations, and I believe them to be just as good as his, especially as the Honourable Member stated that one of his qualifications for producing his mouse was that he was a prudent business man, and that he could understand a balance sheet and take it to pieces. Well, there are other prudent business men. I claim to be a prudent man and a business man though not in the sense that the Honourable Member used the term. I claim then to be a business man, and I would remind him that there are other men besides those in business who can understand a balance sheet. I believe I can, but Heaven forbid that I should claim that I can make a better estimate of Customs revenue than I could if I did not understand a balance sheet. (Applause).

The question is that the Bill be read a second time.

*Bill read a second time.*

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

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

*Council in Committee.*

*First Schedule.*

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

Sir, I beg to move the following amendments as detailed in the Report of the Finance Committee:

- Head 3. Agriculture.—For “ £98,235 ” read “ £97,859 ”.  
 Head 9. Education.—For “ £247,027 ” read “ £247,682 ”.  
 Head 10. Forestry.—For “ £57,851 ” read “ £64,575 ”.  
 Head 11. Geological Survey.—For “ £10,658 ” read “ £10,808 ”.  
 Head 18. Marine.—For “ £277,538 ” read “ £277,478 ”.  
 Head 19. Medical Services.—For “ £427,031 ” read “ £432,756 ”.  
 Head 24. Posts and Telegraphs.—For “ £164,713 ” read “ £163,654 ”.

- Head 27. Prisons, Southern Provinces.—For “ £109,190 ” read “ £107,390 ”.
- Head 29. Public Works.—For “ £151,688 ” read “ £154,978 ”.
- Head 32. Public Works Extraordinary.—For “ £37,970 ” read “ £38,520 ”.
- Head 34. R.W.A.F.F., Nigeria Regiment.—For “ £326,599 ” read “ £330,625 ”.
- Head 37. Secretariat, Northern Provinces.—For “ £16,860 ” read “ £16,870 ”.
- Head 39. Surveys.—For “ £66,678 ” read “ £66,731 ”.
- Head 43. Railway.—For “ £159,584 ” read “ £159,451 ”.

The total expenditure will accordingly be £4,920,675 instead of £4,902,920.

*Agreed to.*

*Second Schedule.*

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

Sir, I beg to move the following amendment :—

Railway, Total Expenditure—*For* “ £2,154,584 ” *read* “ £2,154,451.”

*Agreed to.*

*Clause 1.*

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

Sir, I move the deletion of the words “ seven million, and fifty-seven thousand, five hundred and four pounds ” and the substitution of the words “ seven million, and seventy-five thousand, one hundred and twenty-six pounds.”

*Agreed to.*

*Clause 2.*

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

Sir, I move the deletion of the words “ four million, nine hundred and two thousand, nine hundred and twenty pounds ” and the substitution of the words “ four million, nine hundred and twenty thousand, six hundred and seventy-five pounds.”

*Agreed to.*

*Clause 3.*

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

Sir, I move the deletion of the words “ two million, one hundred and fifty-four thousand, five hundred and eighty-four pounds ” and the substitution of “ two million, one hundred and fifty-four thousand, four hundred and fifty-one pounds.”

*Agreed to.*

The Bill having passed through Committee with nineteen amendments, the Council resumed, and on the motion of the Honourable the Chief Secretary to the Government, seconded by the Honourable the Treasurer, the Bill was read a third time and passed.

**His Excellency:—**

That, gentlemen, concludes the business of the Session and I thank you for your attendance. Council will meet again in the cooler weather of July in order to proceed with the Judicial Reform Bills and one or two other Bills that will be ready at that time.

*Council adjourned at 12.15 p.m. sine die.*

1600

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(10th July, 1933)

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NIGERIA

# Legislative Council Debates

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ELEVENTH SESSION, 1933

(10th July, 1933)

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1933



DEBATES  
IN THE  
LEGISLATIVE COUNCIL  
OF  
NIGERIA  
ON  
Monday, 10th July, 1933.

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Pursuant to notice the Honourable the Members of  
the Legislative Council met in the Council Chamber,  
Lagos, at 10 A.M. on Monday the 10th of July, 1933.

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PRESENT.

- The Governor,  
His Excellency Sir Donald Cameron, G.C.M.G., K.B.E.
- The Chief Secretary to the Government,  
The Honourable Mr. G. Hemmant, C.M.G.
- The Attorney-General,  
The Honourable Mr. A. C. V. Prior.
- The Acting Treasurer,  
The Honourable Mr. A. H. Hodges.
- The Director of Medical and Sanitary Service,  
The Honourable Dr. W. B. Johnson, C.M.G.
- The Honourable Mr. E. R. J. Hussey, C.M.G.,  
Director of Education.
- The Acting Director of Marine,  
The Honourable Comdr. C. J. Webb, R.D., R.N.R.
- The Acting Comptroller of Customs,  
The Honourable Mr. K. S. Martin.
- The Resident, Oyo Province,  
The Honourable Mr. H. L. Ward-Price.

- The Acting Deputy Chief Secretary.  
The Honourable Mr. G. C. Whiteley.
- The Director of Public Works.  
The Honourable Mr. C. L. Cox.
- The Acting Director of Agriculture.  
The Honourable Capt. J. R. Mackie.
- The Honourable Lt.-Col. R. H. Rowe, D.S.O., M.C.,  
Commissioner of Lands.
- The Honourable Mr. G. B. Hebden,  
Postmaster-General.
- The Honourable Mr. E. M. Falk (Extraordinary Member),  
Commissioner of the Colony.
- The Member for the Colony Division.  
The Honourable Sir Kitoyi Ajasa, Kt., O.B.E.
- The Second Lagos Member,  
The Honourable Mr. E. O. Moore.
- The Member Representing the Niger African Traders,  
The Honourable Mr. S. C. Obianwu.
- 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 Calabar,  
The Honourable Mr. C. W. Clinton.
- The Third Lagos Member,  
The Honourable Mr. T. A. Doherty.
- The Member for the Oyo Division,  
The Honourable Mr. A. S. Aghaje.
- The Member for the Ibo Division,  
The Venerable Archdeacon G. T. Basden.
- The Member for Shipping,  
The Honourable Mr. H. S. Feggetter.
- The Banking Member (Provisional),  
The Honourable Mr. D. D. Gibb.
- The Commercial Member for Lagos (Provisional),  
The Honourable Mr. R. Lindsay Lees.

## ABSENT.

- The Acting Lieutenant-Governor, Northern Provinces,  
His Honour Mr. G. J. Lethem.
- The Acting Lieutenant-Governor, Southern Provinces,  
His Honour Mr. W. E. Hunt, C.B.E.
- The Commandant,  
The Honourable Colonel W. R. Moredith, D.S.O.
- The Senior Resident, Plateau Province,  
The Honourable Mr. H. H. Middleton.
- The Acting Secretary, Northern Provinces,  
The Honourable Mr. W. Morgan.
- The Senior Resident, Owerri Province,  
The Honourable Mr. O. W. Firth.
- The Senior Resident, Calabar Province,  
The Honourable Mr. G. H. Findlay.
- The Resident, Bauchi Province,  
The Honourable Mr. T. C. Newton.
- The Resident, Cameroons Province,  
The Honourable Mr. J. W. C. Rutherford.
- The Resident, Benue Province,  
The Honourable Mr. E. S. Pembleton.
- The Resident, Abeokuta Province,  
The Honourable Mr. A. E. F. Murray.
- The Resident, Ijebu Province,  
The Honourable Mr. H. M. Brice-Smith.
- The Resident, Benin Province,  
The Honourable Mr. G. S. Hughes.
- The Acting Secretary, Southern Provinces,  
The Honourable Mr. G. G. Shute.
- The General Manager of the Railway,  
The Honourable Mr. G. V. O. Bulkeley, C.B.E.
- The First Lagos Member,  
The Honourable Dr. C. C. Adeniyi-Jones.
- The Commercial Member for Calabar,  
The Honourable Mr. G. Graham Paul.
- The Member for the Warri-Benin Division,  
The Honourable Mr. I. T. Palmer.
- The Commercial Member for Kano,  
The Honourable Mr. T. Hepburn.
- The Commercial Member for Port Harcourt,  
The Honourable Mr. P. H. Davey.
- The Mining Member (Provisional),  
The Honourable Mr. J. Dent Young.

**PRAYERS.**

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

**CONFIRMATION OF MINUTES.**

The Minutes of the meeting held on the 10th March, 1933 having been printed and circulated to Honourable Members were taken as read and confirmed.

**OATHS.**

The Honourable the Acting Director of Marine, the Honourable the Acting Comptroller of Customs, the Honourable the Resident, Oyo Province, the Honourable the Acting Director of Agriculture, the Honourable the Banking Member (Provisional), the Honourable the Commercial Member for Lagos (Provisional), took the Oath as members of the Council.

**PAPERS LAID.**

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

- Sessional Paper No. 4 of 1933, Annual Report on the Audit Department for the year 1931-32.
- Sessional Paper No. 5 of 1933, Annual Report by the Registrar of Companies for the year ended 31st December, 1932.
- Sessional Paper No. 6 of 1933, Southern Provinces Native Treasuries Estimates for the year 1933-34.
- Sessional Paper No. 7 of 1933, Annual Report on the Analyst Department for the year 1932.
- Sessional Paper No. 8 of 1933, Annual Report of the Police Magistrates for the year 1932.
- Sessional Paper No. 9 of 1933, Annual Report of the Public Officers Guarantee Fund for the period ended 31st March, 1932.
- Sessional Paper No. 10 of 1933, Trade Report for the year 1932.
- Sessional Paper No. 11 of 1933, Annual Report on the Mines Department for the year 1932.
- Supplementary Estimates, 1932-33 (fourth quarter, first list).
- Subsidiary legislation made since the last meeting of the Council.

## QUESTIONS.

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

1. What was the total amount of pension paid to retired officials of the Nigerian Government (1) Europeans and (2) Africans for the last two financial years preceding the putting into force of the retrenchment scheme, (b) the amount paid at the end of the last financial year ending 31st March, 1933, and (c) the estimated payment for the end of the next financial year.

Answer:—

THE HON. THE ACTING TREASURER:—

	£	£
<i>Europeans.</i>		
(a) (1) 1.4.29-31.3.30 ... ..	191,309	
1.4.30-31.3.31 ... ..	204,732	
		396,041
<i>Africans.</i>		
(2) 1.4.29-31.3.30 ... ..	31,209	
1.4.30-31.3.31 ... ..	34,955	
		66,164
Total for the two years ... ..		£462,205

(b) The Abstract of the accounts for 1932-33 is not yet complete and it is not possible therefore to furnish the amounts paid to Europeans and Africans separately, but the total payment in respect of pensions for that year amounted to £324,311.

(c) It is estimated that the sum of £340,000 will be paid in respect of the year 1933-34.

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

2. Seeing that the Gold Coast Government have at present two Africans engaged as Acting Puisne Judges and two substantive Police Magistrates, whether the Nigerian Government cannot relieve European Political Officers of Judicial duties by the appointment of some African Station Magistrates in the more settled districts of the Protectorate.

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The Honourable Member is referred to the reply given in this Council on the 6th of March, 1933, to Question 31, by the Honourable the First Lagos Member regarding the general policy of the Government in the matter of advancing Africans to higher posts in the Administration. Under the new Protectorate Courts legislation Station Magistrates will no longer be appointed as at present.

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

3. Whether more Africans could not be appointed to more responsible posts in the Customs, Railway, Police and Education Departments in order to reduce the expense of these Departments during these times of world depression.

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The Honourable Member is referred to the reply to the preceding question.

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

4. What is the number of the personnel of the Native Administration Service (1) European (*a*) (seconded and (*b*) substantive) and (2) African, in the Calabar, Owerri, Onitsha and Ogoja Provinces.

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

(1) One seconded in Calabar Province.

(2) Calabar Province, 515. Onitsha Province, 333. Ogoja Province, 463. It has not been possible in the time available to obtain information regarding Owerri Province.

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

5. Whether besides the opening up of new roads, the keeping up of old roads, the building of Native Courts and rest-houses, the establishment of the Native Administrations in these districts has in any way relieved the Political Officers of any of their numerous duties and if so which?

Answer:—

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The Native Authorities of Calabar, Owerri, Onitsha and Ogoja are not yet capable of carrying out development works without the close and constant advice of Administrative Officers. In consequence the duties of officers have been in no way reduced.

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

6. (i) Has there been any retrenchment in the personnel (*a*) European and (*b*) African of the Native Administration Staff in these provinces since the retrenchment scheme came into force.

(ii) What was the full number of the staff in the four provinces before retrenchment began and what is the present number.

*Answer:—*

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

(1) (a) No.

(b) Yes.

(2) Calabar Province: before 526, now 515. Onitsha Province: before 340, now 333. Ogoja Province: before 534, now 463. Owerri Province: particulars not available in the time.

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

7. What is the percentage of taxes due from the natives of these provinces which has remained uncollected for each year, if any, since the "Women's War" in 1929.

*Answer:—*

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The percentage of taxes remaining uncollected since 1929, apart from remissions, is as follows:—Onitsha Province, nil. Calabar Province, negligible. Ogoja Province: in 1930-31, 1.2%. 1931-32, 1.1%. 1932-33, 3.7%. Owerri Province: information not available in the time.

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

8. Whether it is the intention of Government, in view of the present low price of palm oil and kernels, to relieve the natives of payment of taxes more than twelve months overdue and uncollected.

*Answer:—*

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

The amount of taxes more than twelve months overdue and uncollected is negligible, and arrears would only be demanded when there was proof of deliberate evasion coupled with evident capacity to pay.

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

9. Whether arrangement could not be made with the various Native Administrations for natives who cannot dispose of their palm products at European factories to pay their taxes in kind, in the form of farm products, to be given out in part payment of wages to Native Administration and other labourers and employees, in lieu of cash payments during the period of depression.

*Answer:—*

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

No complaints have been received that natives cannot dispose of their palm products. The suggestion of the Honourable Member presents obvious and probably insuperable disadvantages.

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

10. Has any definite arrangement been made for periodical and systematic auditing of Native Administration accounts of revenue received and expenditure made by the administrations in these provinces.

*Answer:—*

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

A proposal that the accounts of the Native Treasuries in the Calabar, Owerri, Onitsha and Ogoja Provinces should be audited annually by a private firm of Chartered Accountants is at present under discussion with the Residents and Native Administrations concerned.

THE HON. THE COMMERCIAL MEMBER FOR LAGOS (PROVISIONAL):—

11. (a) Will Government consider negotiating with the neighbouring colonies of Dahomey and Togoland with a view to establishing telegraphic communication by land lines with the Gold Coast in order to greatly reduce the cable costs of Firms established in both Nigeria and Gold Coast?

(b) If the answer is in the negative, the reason therefor?

*Answer:—*

THE HON. THE POSTMASTER-GENERAL:—

The Government is not prepared to support any scheme of telegraph communication by land line which would compete with Imperial and International Communications Company's cables.

THE HON. THE SECOND LAGOS MEMBER (MR. E. O. MOORE):—

12. Whether Government will not consider the advisability of taking drastic steps to protect the farmers in the Agege District from the organised raids of armed robbers who go about in lorries, accompanied by drums, etc., in order to pillage and murder innocent dwellers on the farms; but whose activities of late have been so persistent as to constitute a standing menace to law and order which is bound to dislocate the agricultural industry in that area by creating a general sense of insecurity among the farmers?

*Answer:—*

THE HON. THE CHIEF SECRETARY TO THE GOVERNMENT:—

Six cases of armed raids in the Agege District have been reported since April. The victims were in each case householders residing in remote parts where police supervision is not immediately available. The chief difficulty in the investigation of these occurrences is the extreme reluctance of the persons attacked or their neighbours to bring forward such information as they possess. The matter is however receiving the careful attention of the police. The members of one robber gang have recently been arrested and will shortly stand their trial.

## RESOLUTIONS.

The Hon. the Chief Secretary to the Government :—

Sir, I beg to move the resolution standing in my name in the Order of the Day. As a copy of the resolution is in the hands of each Honourable Member I will not waste the time of the Council by reading it. The resolution is a very lengthy one but there is singularly little in it, and I will explain its effect upon the Tariff paragraph by paragraph.

*Paragraph 1.*—The sole effect of paragraph 1 is to add milk, cream and infant foods to the free list. This is such an obviously desirable measure that I do not think it requires any defence or explanation.

*Paragraph 2.*—This deals with the duties on oil. The duties per gallon on oil are unaffected. They remain the same as they were before but owing to the fact that a gallon of liquid is not an absolutely fixed measure but only a fixed measure at a fixed temperature, it is necessary to prescribe the temperature at which a liquid is measured in gallons. This is done in the last lines of sections 26 (a) and 26 (b), the temperature being fixed at 80° Fahrenheit.

The gallonage of oil will be converted to its gallonage at that temperature by a simple but well-recognised formula. The question is of some importance because oil is imported in two different ways. It is imported in bulk, when it is measured at the temperature of the day in Nigeria—probably 80°—and it is also imported in cases which are packed at a temperature of probably 60° Fahrenheit, so that some small allowance will have to be made owing to the fact that when that oil is imported into Nigeria it is imported at a temperature of 80°. The real effect of this small amendment will be that oil importers will all be treated in exactly the same way. Up to this date the man who imported oil in cases had a slight advantage, because any liquid as it becomes warmer also becomes bigger in volume. This is rather a technical point on which I feel the Director of Education would be more qualified to speak, but it is not of any serious importance.

*Paragraph 3.*—This paragraph deals with woven manufactures—item 41 of the Tariff. There is no change in the duty but the item has been recast in a clearer and more water-tight form, and in the last three lines

“ All other woven manufactures not elsewhere enumerated, including piece goods not previously enumerated in this item.....15% *ad valorem* ”

it has been made clear that the fifteen *per cent. ad valorem* duty is applicable to woven manufactures whether piece goods or not piece goods.

*Paragraph 4.*—Two additions are made to the list of exemptions. They are: all goods used solely in the construction or repairing of lighters or barges or other floating craft, and all goods used for the packing of Nigerian produce.

I think this measure will meet with the general approval of the Council. The tariff is not affected in any way except as I have explained.

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

**The Hon. the Acting Comptroller of Customs:—**

I beg to second the motion.

**His Excellency:—**

Honourable Members will observe that this is the first occasion on which the new procedure has been adopted which was sanctioned by an Ordinance passed at the last meeting of the Council, which is, that instead of dealing here with an Order-in-Council brought for the approval of the Legislative Council, we proceed in the more business-like way by way of resolution.

*The resolution was adopted.*

**The Hon. the Acting Treasurer:—**

Sir, I beg to move the following resolution standing in my name:—

“ Be it resolved: That this Council approves the sum of  
 “ £2,771 17s. 5d. in respect of the amount of *ex-gratia*  
 “ and compassionate gratuities awarded since the date  
 “ of the last meeting of the Council to non-pensionable  
 “ employees and to dependents of non-pensionable  
 “ employees for long and faithful service as set out in  
 “ the following schedule.”

SCHEDULE.

Name.	Service.	Amount of Gratuity.		
		£	s.	d.
R. D. Thexton ...	In respect of his 11 years' service as Assistant Engineer, Railway Capital Works.	561	0	0
B. Starley ...	In respect of his 11 years' service as Assistant Engineer, Railway Capital Works.	561	0	0
E. H. Godden ...	In respect of his 5 years' service as Inspector of Works, Benue Bridge Construction.	155	0	0
Widow of the late Mr. E. Ekpo-chine.	Compassionate gratuity awarded in respect of the late Mr. Ekpo-chine's service as 3rd Grade Driver, Marine Department.	14	13	4
	Carried forward ...	£ 1,291	13	4

## SCHEDULE—continued.

Name.	Service.	Amount of Gratuity.		
		£	s.	d.
	Brought forward ... ..	1,291	13	4
Yakubu Idah ...	23 years' service as Interpreter, Police Department.	14	8	0
I. B. E. Hart ...	16 years' service as Carpenter, Marine Department.	34	13	4
E. Asuquo ...	21 years' service as Turner, Marine Department.	56	0	0
S. A. Oshunniyi...	17 years' service as Artisan, Public Works Department.	46	13	4
J. S. Soares ...	22 years' service as Fitter, Public Works Department.	57	12	0
Moru Idah ...	24 years' service as Boatswain, Marine Department.	45	10	0
Shittu ... ..	19 years' service as Overseer, Har- bour Department.	45	16	8
Audu VI... ..	13 years' service as Assistant Line- man, Posts and Telegraphs Department.	21	16	10
A. M. Agoro ...	21 years' service as African Inspector of Works, Grade II, Public Works Department.	64	0	0
Hassan ... ..	16 years' service as Political Agent, Provincial Administration, Northern Provinces.	34	11	2
E. Badoo ...	19 years' service as Artisan, Public Works Department.	46	13	4
Joseph XII ...	13 years' service as Assistant Line- man, Posts and Telegraphs Department.	21	16	10
G. W. Cole ...	32 years' service as Carpenter, Marine Department.	93	0	0
I. G. Spiff ...	29 years' service as Carpenter, Marine Department.	84	0	0
T. Norman ...	24 years' service as Carpenter, Marine Department.	65	6	8
Baikie, S. S. ...	25 years' service as Driver, Grade III, Marine Department.	65	6	8
S. O. Okoafor ...	24 years' service as Moulder, Marine Department.	78	8	0
R. Attey ... ..	25 years' service as Blacksmith, Marine Department.	65	6	8
	Carried forward ... ..	£ 2,232	12	10

## SCHEDULE—continued.

Name.	Service.	Amount of Gratuity.		
		£	s.	d.
	Brought forward ... ..	2,232	12	10
P. O. Enwonwu ...	13 years' service as Carpenter, Marine Department.	24	0	0
T. V. A. Woode ...	18 years' service as Artisan, Public Works Department.	32	0	0
S. D. Fabunmi ...	25 years' service as Barge Fitter, Harbour Department.	50	3	4
A. Pearce ...	26 years' service as Carpenter, Marine Department.	74	13	4
J. Anthony ...	15 years' service as Cook, Medical Department.	8	0	0
Iruoghe ... ..	29 years' service as Forester, Forestry Department.	44	0	0
Mallam Sambo ...	20 years' service as Assistant Grade V, Agricultural Department.	27	0	0
Ige ... ..	35 years' service as Messenger, Commissioner of the Colony's Office.	7	10	0
A. Shekoni ...	17 years' service as Sawmill Head- man, Public Works Department.	19	0	0
D. A. Refle ...	30 years' service as Mason, Public Works Department.	40	0	0
Dangana ... ..	28 years' service as Quartermaster, Marine Department.	16	10	0
Ajao ... ..	24 years' service as Chainman, Survey Department.	6	0	0
S. A. Amartey ...	26 years' service as Artisan, Public Works Department.	50	0	0
Momo ... ..	32 years' service as Headman, Survey Department.	9	0	0
S. G. Momodu ...	23 years' service as Lineman, Posts and Telegraphs Department.	22	0	0
Nakunu ... ..	30 years' service as Messenger, Customs Department.	10	10	0
A. D. Cole ...	31 years' service as Carpenter, Public Works Department.	13	6	10
F. Alli ... ..	20 years' service as Wood Turner, Public Works Department.	16	4	1
D. Ogundele ...	21 years' service as Crane Driver, Harbour Department.	9	7	0
C. Aworinde ...	20 years' service as Artificer, Grade I, Marine Department.	60	0	0
	Total ... ..	£ 2,771	17	5

Honourable Members of the Council are acquainted with the circumstances under which these grants are made. They are restricted to non-pensionable Government employees, that is to say, employees who do not enjoy pensionable rights but whose length of service under this Government makes them eligible for consideration of a grant as set out in the Schedule of the Order of the Day.

The classes of employee who benefit by these grants are three: first, those who have been retrenched or who have died in the service, and whose estate will benefit as a result of this resolution; secondly, those whose service has come to an end either through ill-health, long service, or old age; and thirdly those whose agreements have come to an end and it is not proposed to renew them. In the last category come certain European officers to whom it is proposed to grant various sums as set out in the Schedule in the Order of the Day.

These gratuities have all received the approval of His Excellency in Executive Council, and the first three items relating to European officers have each and separately received the approval of the Secretary of State. The list follows closely in accordance with Government practice and does not differ in any way from any of the schedules which have received the consideration and the approval of this Council on previous occasions.

**The Hon. the Acting Deputy Chief Secretary:—**

I beg to second the motion.

*The resolution was adopted.*

**The Hon. the Acting Treasurer:—**

Sir, I rise to move the following resolution standing in my name:—

“ Be it resolved: That this Council approves the sum of  
 “ £289 6s. 8d. in respect of an extra statutory gratuity  
 “ awarded to Mr. T. A. Boughey, late Beachmaster,  
 “ Marine Department, an unconfirmed officer who has  
 “ been retrenched, in respect of his three years and nine  
 “ months' service.”

This resolution, Sir, follows established precedent. It is different from those which have just received the consideration of the Council in that Mr. Boughey was appointed to a pensionable office and in the course of time after having served for a statutory period of seven years he would have become eligible for a pension in the event of the abolition of his office. His office has been abolished, however, after he had served for a period of three years and nine months, and in accordance with the accepted practice of this Government he is entitled to consideration for a gratuity based on the award of a month's salary in respect of each completed six months of service. This is in accordance with precedent and does not differ from those which have been approved by this Council on previous occasions.

**The Hon. the Acting Deputy Chief Secretary :—**

I beg to second the motion.

*The resolution was adopted.*

**The Hon. the Acting Treasurer :—**

Sir, I rise to move the following resolution :—

“ Be it resolved: That the Supplementary Estimates for the  
 “ fourth quarter of the Financial year 1932-33 (first list)  
 “ which have been laid on the table to-day be referred  
 “ to the Finance Committee.”

**The Hon. the Acting Deputy Chief Secretary :—**

I beg to second the motion.

*The resolution was adopted.*

### BILLS.

**The Hon. the Attorney-General :—**

Your Excellency, I do not suppose that Honourable Members will dissent from the proposal in the Agenda that these nine Bills should be carried through all their stages at this meeting of the Council. I propose therefore to move the first readings one by one and then to move the suspension of Standing Rule and Order No 32 in order to enable us to proceed with the second and third readings.

#### THE NATIVE ADMINISTRATIONS (LEGAL PROCEEDINGS) (AMENDMENT) ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General seconded by the Honourable Lieut.-Col. R. H. Rowe, D.S.O., M.C. (Commissioner of Lands), a Bill entitled “ The Native Administrations (Legal Proceedings) (Amendment) Ordinance, 1933 ” was read a first time.

#### THE INCOME TAX COLONY (AMENDMENT) ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General seconded by the Honourable Mr. E. M. Falk (Commissioner of the Colony), a Bill entitled “ The Income Tax Colony (Amendment) Ordinance, 1933 ” was read a first time.

#### THE NON-NATIVES INCOME TAX (PROTECTORATE) (AMENDMENT) ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General seconded by the Honourable Mr. E. M. Falk (Commissioner of the Colony), a Bill entitled “ The Non-Natives Income Tax (Protectorate) (Amendment) Ordinance, 1933 ” was read a first time.

**THE PRINTING PRESSES REGULATION (AMENDMENT) ORDINANCE, 1933.**

On the motion of the Honourable the Attorney-General seconded by the Honourable Mr. G. B. Hebden (Postmaster-General), a Bill entitled "The Printing Presses Regulation (Amendment) Ordinance, 1933" was read a first time.

**THE LABOUR (AMENDMENT NO. 2) ORDINANCE, 1933.**

On the motion of the Honourable the Attorney-General seconded by the Honourable the Acting Comptroller of Customs, a Bill entitled "The Labour (Amendment No. 2) Ordinance, 1933" was read a first time.

**THE EUROPEAN OFFICERS' PROVIDENT FUND ORDINANCE, 1933.**

On the motion of the Honourable the Attorney-General seconded by the Honourable the Acting Director of Agriculture, a Bill entitled "The European Officers' Provident Fund Ordinance, 1933" was read a first time.

**THE WIDOWS' AND ORPHANS' PENSION (AMENDMENT NO. 2) ORDINANCE, 1933.**

On the motion of the Honourable the Attorney-General seconded by the Honourable the Acting Treasurer, a Bill entitled "The Widows' and Orphans' Pension (Amendment No. 2) Ordinance, 1933" was read a first time.

**THE PUBLIC OFFICERS (LEVY ON EMOLUMENTS) ORDINANCE, 1933.**

On the motion of the Honourable the Attorney-General seconded by the Honourable the Acting Deputy Chief Secretary, a Bill entitled "The Public Officers (Levy on Emoluments) Ordinance, 1933" was read a first time.

**THE ADMINISTRATIVE OFFICERS (POWERS OF NATIVE AUTHORITY) ORDINANCE, 1933.**

On the motion of the Honourable the Attorney-General seconded by the Honourable the Acting Deputy Chief Secretary, a Bill entitled "The Administrative Officers (Powers of Native Authority) Ordinance, 1933" was read a first time.

**The Hon. the Attorney-General:—**

Your Excellency, I move that Standing Rule and Order No. 32 be suspended in order to enable these nine Bills to be carried through all their stages at this meeting of the Council.

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

I beg to second the motion.

His Excellency:—

The Bills have all been published for the prescribed time.

*Standing Rule and Order No. 32 suspended accordingly.*

NATIVE ADMINISTRATIONS (LEGAL PROCEEDINGS) (AMENDMENT)  
ORDINANCE, 1933.

The Hon. the Attorney-General:—

Sir, I move that a Bill entitled "An Ordinance to amend the Native Administrations (Legal Proceedings) Ordinance, 1932" be read a second time. The purpose of this Bill is to reduce three periods of time which were specified in the Native Administrations (Legal Proceedings) Ordinance which was passed last year. That Ordinance provides that where it is desired to bring a civil suit against a Native Administration, the suit must be brought within twelve months of the cause of action. The corresponding period prescribed in the English Public Authorities Act, 1893, is six months, and following that precedent this Bill reduces the period of twelve months to six months.

There is also a provision in the Native Administrations (Legal Proceedings) Ordinance to the effect that where a suit is at the instance of any person in respect of a cause of action arising while that person is in prison, the suit must be brought within six months of the person's discharge from prison. The corresponding period specified in the Public Officers' Protection Ordinance of Nigeria is three months, and in accordance with that precedent this Bill reduces the period of six months to three months.

There is another provision in the principal Ordinance to the effect that where it is intended to bring an action against a Native Administration three months notice of such intention must be given to the Native Administration. It is considered that that period is unnecessarily long and this Bill reduces it to one month.

The Hon. Lieut.-Col. R. H. Rowe, D.S.O., M.C. (Commissioner of Lands):—

I beg to second the motion.

*Bill read a second time.*

The Hon. the Attorney-General:—

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

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable Lieut.-Col. R. H. Rowe, the Bill was read a third time and passed.

## INCOME TAX (COLONY) (AMENDMENT) ORDINANCE, 1933.

The Hon. the Attorney-General:—

Sir, I move that a Bill entitled "An Ordinance to amend the Income Tax (Colony) Ordinance, 1927" be read a second time. This Bill and the next Bill on the Agenda make a number of amendments in the two Ordinances which provide for the collection of income tax in the Colony and in the Protectorate. Several of these amendments are merely drafting amendments and I do not think it is necessary to refer to them. The Bill to amend the Non-Natives Income Tax (Protectorate) Ordinance, which is the next Bill on the Agenda, makes one amendment in that Ordinance which the Bill now before the Council does not make in the Income Tax (Colony) Ordinance. It does away with the Trades Schedule. The Non-Natives Income Tax (Protectorate) Ordinance only applies to non-Natives in the Protectorate and it is now realised that the Trades Schedule method of assessment cannot be satisfactorily applied to non-Natives. With this exception I think I can say that in so far as these Bills effect changes of some substance in the principal Ordinances, the amendments are practically identical, and I propose to deal with them in connexion with the Colony Bill which is now before the Council, and it will not be necessary for me to refer to them again when moving the second reading of the Protectorate Bill. It will I think be sufficient if I content myself with formally moving that that Bill be read a second time.

The year in which a person is assessed for income tax is referred to in these Ordinances as the year of assessment. It begins on the 1st of April and ends on the 31st of March. A person is assessed in the year of assessment on the whole of the chargeable income received by him during the year immediately preceding the year of assessment, but to that principle the Ordinance makes certain exceptions, and the more important provisions of this Bill are those which in the interest of the tax payer abolish all those exceptions save one, and in the interest of the revenue amend this one exception.

The exceptions which the Bill deletes from the principal Ordinance are briefly these: where during any year of assessment a person sets up a business or first becomes entitled to any of certain specified kinds of chargeable income, he pays income tax on the income received by him during that year of assessment. That provision is open to this objection, that in the next year of assessment he will again pay income tax on the same income, because so far as regards that year of assessment he will pay income tax on the income which he has received during the preceding year. Therefore in the cases with which I am dealing the tax payer will pay income tax twice on the same income. This exception and two other exceptions which are open to exactly the same kind of criticism are deleted by this Bill from the principal Ordinance.

To come to the remaining exception to the general rule, that is to say to the general rule that a person is assessed in the year of assessment on the whole of the income received by him during the preceding year, where a person who usually makes up his accounts on a day other than the day immediately preceding the year of assessment, that is to say on any day other than the 31st of March, he may, with the permission of the Commissioner of Income Tax, make a return in respect of his own business financial year. This Bill supplements that provision with a proviso to the effect that if the tax payer has once made a return in respect of his business financial year he must adhere to that year in the future except in so far as the Commissioner of Income Tax may authorise any change. In the absence of such proviso it would be possible for the tax payer by making judicious changes in his business financial year to escape a part—and possibly a considerable part—of his liability for the payment of income tax.

**The Hon. Mr. E. M. Falk (Commissioner of the Colony):—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

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

*Council in Committee.*

*Clause 1.*

**The Hon. the Attorney-General:—**

It is considered desirable that this Bill and the next Bill on the Agenda should come into operation at the beginning of the next year of assessment, that is to say on the 1st of April of next year. I move therefore that Clause 1 be amended so as to read:—

“ 1. This Ordinance may be cited as the Income Tax  
 “ (Colony) (Amendment) Ordinance, 1933; it shall  
 “ apply to the Colony only and shall come into  
 “ operation on the 1st day of April, 1934.”

I move also that the marginal note to that clause be amended so as to read “ Short title, application, and commencement.”

*The amendment 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 Mr. E. M. Falk (Commissioner of the Colony), the Bill was read a third time and passed.

THE NON-NATIVES INCOME TAX (PROTECTORATE) (AMENDMENT)  
ORDINANCE, 1933.

The Hon. the Attorney-General:—

Sir, I move that a Bill entitled " An Ordinance to amend the Non-Natives Income Tax (Protectorate) Ordinance, 1931 " be read a second time. When moving the second reading of the Colony Bill I referred to the provision of this Bill which abolishes the Trades Schedule. That is the only respect in which there is any substantial difference between the amendments made by these two Bills.

The Hon. Mr. E. M. Falk (Commissioner of the Colony):—

I beg to second the motion.

The Hon. the Member for the Ibo Division (The Venerable Archdeacon G. T. Basden):—

Your Excellency. I wonder if it would be of value to insert the word " male " after " Non-Natives " in the title? Your Excellency will remember that I raised the question in February, 1932, and at that time there was a certain amount of confusion in the matter, and it was only by referring to the statute that the solution was found that it was intended entirely for males, and at the conclusion it was stated that I had made my statement without reason or foundation. As a matter of fact in three provinces this had been interpreted to mean the collection of income tax from females, and if a Government officer was liable to interpret the Ordinance so as to include females, it seems reasonable to suppose that if the word " male " were inserted in the title such confusion would be avoided. Women were asked to fill up assessment forms, and within the last few days I was talking to a lady who had been made to fill up an assessment form, and so caused a certain amount of inconvenience unnecessarily. I think that if the word " male " were inserted in brackets in the title it would save such confusion in future.

The Hon. the Attorney-General:—

I must say that I find it difficult to believe that it would be possible for any officers of the Government to make the mistake of supposing that this legislation applied to females. The principal Ordinance makes it quite clear that the income tax is to be levied on the chargeable income of " any male non-Native being in Nigeria." I do not think that it is necessary to insert the word ' male ' into the title. One always make a point of keeping the title, as short as possible. As it is the short title is quite long enough, and I do not think it is desirable or necessary to insert the word ' male ' into it.

His Excellency:—

I am glad the Honourable Member for the Ibo Division has raised this question because I have been awaiting an opportunity to say that when about two years ago I took exception to his statement that there was confusion in the minds of the people as to

whether the tax was to be levied on females as well as on males, I was not aware of what he communicated to me afterwards and that is that certain Government officers who had not taken the trouble to read the parent Ordinance were endeavouring to collect tax from European ladies. I had at the time an instruction sent to Enugu to the effect that the tax, for the reasons given by the Attorney-General, did not affect women, and I think that is pretty well known—at least I hope it is, although the Honourable Member says it is not well known because quite recently, after an interval of two years, a lady of his acquaintance has had a demand for an assessment form to be filled in.

I do not think we can amend the law, which is perfectly clear, because officers make foolish mistakes. The best thing is for the Honourable Member to tell me the name of the officer who is persisting in that foolish error—he can tell me privately afterwards.

**The Hon. the Member for the Ibo Division (The Venerable Archdeacon G. T. Basden):—**

I am afraid I rather led Your Excellency astray on the point regarding the lady who recently gave me information. She gave me information as to what took place at an earlier stage, not recently.

**The Hon. the Attorney-General:—**

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

*Council in Committee.*

*Clause 1.*

**The Hon. the Attorney-General:—**

The only alteration of substance in the amendment which I have to propose is the postponement of the coming into operation of the Bill until the 1st of April next year. I move that Clause 1 be amended so as to read as follows:—

“ This Ordinance may be cited as the Non-Natives  
 “ Income Tax (Protectorate) (Amendment) Ordinance, 1933; it shall apply to the Protectorate  
 “ (including the Cameroons under British Mandate)  
 “ and shall come into operation on the 1st day of  
 “ April, 1934.”

I move also that the marginal note be amended so as to read:—  
 “ Short title, application and commencement.”

*The amendment 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 Mr. E. M. Falk (Commissioner of the Colony), the Bill was read a third time and passed.

## PRINTING PRESSES REGULATION (AMENDMENT) ORDINANCE, 1933.

**The Hon. the Attorney-General :—**

Sir, I move that a Bill entitled " An Ordinance to amend the Printing Presses Regulation Ordinance, 1933 " be read a second time. As Honourable Members will see from the statement at the end of the Bill, this Bill merely corrects an erroneous cross-reference which appears in the Printing Presses Regulation Ordinance which was passed at the last meeting of the Council.

**The Hon. Mr. G. B. Hebden (Postmaster-General) :—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General :—**

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

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable Mr. G. B. Hebden, the Bill was read a third time and passed.

## THE LABOUR (AMENDMENT NO. 2) ORDINANCE, 1933.

**The Hon. the Attorney-General :—**

Sir, I move that a Bill entitled " An Ordinance to amend the Labour Ordinance, 1929 " be read a second time. The object of most of the clauses of this Bill is to remove from the purview of the criminal law breaches of contracts of service between employers and their labourers, and for the reason that it is considered derogatory to an employer or to a labourer that he should be brought up before a criminal court in respect of such breaches of contract.

Under the Labour Ordinance a master is guilty of an offence if without reasonable cause he withholds wages as they fall due. Clause 2 of this Bill makes it an offence on the part of the employer to withhold wages without reasonable cause only if the wages are withheld with intent to defraud.

There is another provision in the Labour Ordinance to the effect that where there has been a breach of a contract of service and it is not possible to assess the damages occasioned by the breach, the court may impose a fine not exceeding £20, and if the breach of contract is of an aggravated character, the court may commit to prison for one month. These provisions the Bill wholly repeals.

The Labour Ordinance has another provision to the effect that where there has been a breach of a contract of service, the employer or the labourer may make a complaint to a court, and the Court may thereupon issue a summons. Clause 3 of the Bill makes it clear that the summons is to be a civil summons and not a criminal summons.

The Labour Ordinance further empowers a Court to direct an employer or a labourer who has been guilty of a breach of a contract of service to find security for the performance of the contract, and it empowers a Court in the event of such security not being forthcoming to commit the employer or labourer, as the case may be, to prison until the security is found. Clause 5 of this Bill only allows imprisonment where the Court is satisfied that the failure to give the security is not due to the inability of the party to give it.

Generally the result of the amendments which I have detailed is to remove all breaches of contract of service from the jurisdiction of the Criminal Courts, with the one exception that a Criminal Court may take cognisance of a breach of contract where an employer withholds wages from a labourer without reasonable cause and with intent to defraud.

The last clause deals with an entirely different matter. That clause empowers the Governor in Council to promulgate regulations requiring employers of labour to make arrangements with hospitals for the medical treatment of their labourers. Cases have arisen where contractors have employed a large number of labourers on extensive contracts and the whole burden of the medical treatment of these labourers has fallen on some Government hospital, and in the majority of cases the medical treatment was required as a consequence of the nature of the work on which the labourers were engaged. As Honourable Members will have seen from the statement at the end of the Bill, it is quite true that regulations can be made requiring employers of labour to erect hospitals for the accommodation of their labourers, but to impose that obligation is quite unnecessary in cases where there is a Government or Native Administration hospital, or it may be a Mission hospital near by. In such cases it will be less expensive for the employer to make arrangements with the hospital for such medical treatment as may be necessary. The regulations which the Governor in Council is empowered to make cannot require an employer to be responsible for the maintenance of his labourers in hospital for more than six weeks, and it may perhaps be supposed that that is an obligation which a good employer would not be reluctant to assume.

**The Hon. the Acting Comptroller of Customs :—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General :—**

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

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Comptroller of Customs, the Bill was read a third time and passed.

## THE EUROPEAN OFFICERS' PROVIDENT FUND ORDINANCE, 1933.

The Hon. the Attorney-General:—

Sir, I move that a Bill entitled "An Ordinance to provide for the Establishment of a Provident Fund for European Officers holding prescribed non-pensionable offices under the Government of Nigeria" be read a second time.

I think that Honourable Members will the better appreciate the reasons for the introduction of this Bill if before I refer to them I say something with regard to those provisions of the Bill which prescribe the officers to whom the Bill will apply. Honourable Members will see that at the end of the Bill there is a schedule setting out a list of offices, and to that schedule the Governor may by Order in Council with the approval of the Secretary of State add other offices, and the Governor may by Order in Council with the Secretary of State's approval remove any office from the schedule provided that at the time there is no contributor to the Fund established under this Bill holding that office.

The Bill provides that a European officer who has not been confirmed in a pensionable office and who, after the commencement of this Ordinance, is appointed to any office now appearing in the Schedule, or who is appointed to any office added to the Schedule by Order in Council after that Order in Council has come into force, will be obliged to contribute to the Fund established by the Bill. A European officer who has not been confirmed in a pensionable office and who is appointed to one of these offices already mentioned in the Schedule before the Bill comes into force, or who has been appointed to an office added to the Schedule by Order in Council before that Order in Council comes into force, will not be obliged to contribute to the Fund, but he may do so if he wishes.

There is just one other case. So far I have referred to officers who have not been confirmed in a pensionable office, but there is a provision in the Bill to the effect that an officer who has been confirmed in a pensionable office may with the Governor's permission, on appointment to a scheduled office, become a contributor to the Fund. That, I think, is a sufficient summary of the provisions of the Bill which prescribe the cases in which an officer will be required to contribute, and the cases in which an officer may elect to contribute.

The Bill is introduced both in the interest of the Government and also because it is believed that it will be in the interest of the majority of the officers to whom it is likely to apply. The Bill will be in the interest of the Government because the cost to the Government of the bonuses which Government will be required to pay under the Bill and of the interest on those bonuses, and the cost of the management of the Fund, will be considerably less than would be the cost of the provision of pensions for the officers concerned. Most of the officers to whom the scheme is likely to apply will be technical officers for only quite a limited number of whom will there be opportunities of promotion in Nigeria. A

considerable number of them will be on agreement, mostly three year agreements, which may or may not be renewed. Furthermore, as many of these officers are likely to realise, it will be to their advantage in the course of time to extend their technical experience by seeking appointment outside Nigeria, and it is likely that they would the more readily take that course if, as would be the case, there would be no pension rights to lose in leaving Nigeria. When an officer finally retires from the Public Service, his own contributions, the Government bonuses and the interest on those contributions and bonuses will be paid out to him, and in the event of his death the whole amount will be paid to his representatives.

Should an officer be appointed to a pensionable office the amount standing to his credit will be left to accumulate until his ultimate retirement from the public service, but his service while a contributor to the Fund will not count towards pension unless he elects, with the Governor's approval, to forego all the bonuses that have been paid to his account and the interest on those bonuses. If he makes such election, his service while a contributor to the Fund will count towards his pension, and, furthermore, his own contributions and the interest on those contributions will be refunded to him.

Coming now to the question of the contributions to be paid by an officer and the bonuses to be paid by Government, an officer who contributes to the Fund will make contributions at the rate of eight *per cent.* of his salary throughout his whole service. During the first ten years of that service Government will pay an equivalent sum, that is to say eight *per cent.* of the officer's salary, as a bonus. After ten years the Government bonus will be raised from eight *per cent.* to fifteen *per cent.* The contributions and bonuses will be paid into the officer's account in the Fund and they will earn interest at a rate to be fixed by the Governor.

There is only one other matter to which I will refer. It may be that an officer who in the ordinary course would be required to contribute to the Fund, is paying premiums on a policy of life assurance, or it may be that at some time after he has begun to contribute to the Fund he may wish to take out such a policy of life assurance. In that case, subject to conditions to be prescribed by Regulations, he may be relieved of the payment of the whole of his eight *per cent.* contribution, or of as much of it as represents the premiums which he is paying under the policy of life assurance, but the bonuses payable by Government will not be affected: they will be regularly credited to the officer's account in exactly the same manner as if he were paying his contributions.

**The Hon. the Acting Director of Agriculture:—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

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

*Council in Committee.**Clause 1.***The Hon. the Attorney-General:—**

As Honourable Members will see there are a number of amendments to be moved to the provisions of this Bill, and I think that I can explain all of them, with the exception of one, in just a word or two. It is thought that it would be better that the word "contribution" should apply throughout the Bill to the officer's payments, and that the word "bonus" should be reserved for the Government's payments, and some of these amendments will be proposed in order to give effect to this view. Honourable Members will also see in the Bill as it stands that there are references to "compulsory contribution." The expression "compulsory contribution" suggests that there is also a voluntary contribution, but there is no voluntary contribution. Either an officer may be required to contribute to the Fund or he may elect to do so. Once he has elected to contribute, his contributions will be compulsory. Contributions are all compulsory and it is not therefore necessary to refer specifically to "compulsory" contributions, and there is also this objection, that it suggests to a person reading the Bill for the first time that there is something in the nature of a voluntary contribution, which there is not.

In Clause 1 I move that the figure "33" be inserted after "19".

*The amendment was adopted.*

*Clause 2.***The Hon. the Attorney-General:—**

I move that the following definition be inserted immediately after the definition of "salary":

"Contribution" means a payment to the Fund made by an officer or by deduction from an officer's salary."

*The amendment was adopted.*

**The Hon. the Attorney-General:—**

His Excellency has asked me to move a further amendment to this clause, and that is to substitute for the word "Governor" the words "Governor in Council." Honourable Members will see that the word occurs in the sentence which begins: "In case of any question or dispute arising" and ends "the decision of the Governor shall be final." I move that the words "Governor in Council" be substituted for "Governor."

*The amendment was adopted.*

*Clause 7.*

**The Hon. the Attorney-General:—**

I move that the words "Such contribution shall be called the compulsory contribution" be deleted, and that the word "compulsory" be deleted from the marginal note.

*The amendments were adopted.*

*Clause 8 (1).*

**The Hon. the Attorney-General:—**

I move that the word "compulsory" be deleted at each of the three places in this Clause where the word occurs.

*The amendment was adopted.*

*Clause 9 (1).*

**The Hon. the Attorney-General:—**

I move that the words "(including bonuses) at a rate" be deleted and the words "and bonuses at a rate not less than three per centum per annum" be substituted therefor.

*The amendment was adopted.*

*Clause 9 (2).*

**The Hon. the Attorney-General:—**

I move that the word "compulsory" be deleted.

*The amendment was adopted.*

*Clause 10 (2).*

**The Hon. the Attorney-General:—**

I move that the words "for the purposes of section 13", and "compulsory" be deleted.

*The amendments were adopted.*

*Clause 12.*

**The Hon. the Attorney-General:—**

I move that the word "compulsory" be deleted and that for "Government's contributions," the words "Government's bonuses," be substituted.

*The amendments were adopted.*

*Clause 14.*

**The Hon. the Attorney-General:—**

I move that the word "compulsory" be deleted at each of the two places where the word occurs, and that the marginal note be amended so as to read as follows:—

"Withdrawal of contributions and bonuses."

*The amendments were adopted.*

*Clause 15.*

The Hon. the Attorney-General:—

I move that in this clause the word "compulsory" be deleted.

*The amendment was adopted.*

*Clause 17.*

The Hon. the Attorney-General:—

It has probably occurred to Honourable Members who have read this clause that as it stands it is rather harsh. It reads:—

" A contributor shall be entitled to the bonus or bonuses  
 " credited to him under this Ordinance with interest  
 " accrued thereon, provided that if he should resign  
 " or leave the service of this Government without the  
 " permission of this Government or be dismissed the  
 " Treasurer may withhold all or any part of such  
 " bonus or bonuses as the Governor may direct."

I move that that proviso be deleted and that the following proviso, which I think will be regarded by the Council as more satisfactory, be substituted for it:—

" provided that—

" (a) if he should be dismissed, or

" (b) if not having been engaged under a written agree-  
 " ment he should resign or leave the service of this  
 " Government without either giving not less than  
 " three months' notice of his intention to do so or  
 " obtaining the permission of this Government, or

" (c) if having been engaged under a written agreement  
 " he should resign or leave the service of this  
 " Government otherwise than in accordance with the  
 " terms of such agreement without obtaining the  
 " permission of this Government,

" the Treasurer may withhold all or any part of such bonus or  
 " bonuses and interest as the Governor may direct."

*The amendment was adopted.*

The Bill having passed through Committee with sixteen amendments, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Director of Agriculture, the Bill was read a third time and passed.

THE WIDOWS' AND ORPHANS' PENSION (AMENDMENT No. 2)  
 ORDINANCE, 1933.

The Hon. the Attorney-General:—

Sir, I move that a Bill entitled "An Ordinance to amend the Widows' and Orphans' Pension Ordinance" be read a second time. This Bill amends the Widows' and Orphans' Pension Ordinance in two respects. In the first place it provides that where an officer

is making contributions to the Fund established under the Bill which has just been passed, he will not be required at the same time to pay contributions under the Widows' and Orphans' Pension Ordinance. In the case of many officers the payment of contributions under both Ordinances would, to say the least of it, be inconvenient.

The other amendment which this Bill makes in the principal Ordinance owes its origin to the case of an officer who was granted leave without salary in order that he might be in a position to take up a particular appointment in the English Civil Service on that appointment becoming vacant. Inasmuch as pending his appointment he was still in the West African Service, he was liable to pay contributions under the Widows' and Orphans' Pension Scheme, but since he was drawing no salary from Nigeria it was considered hardly reasonable to require him to do so. The last clause of the Bill, clause 4, accordingly provides that in such cases as these the officer may cease to contribute to the Widows' and Orphans' Pension Scheme as from the date on which he ceases to draw salary from Nigeria. Clause 1 of the Bill gives clause 4 sufficient retrospective operation to make it applicable to the particular case to which I have referred.

**The Hon. the Acting Treasurer:—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

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

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Treasurer, the Bill was read a third time and passed.

**THE PUBLIC OFFICERS (LEVY ON EMOLUMENTS) ORDINANCE, 1933.**

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled "An Ordinance to impose a temporary levy upon the emoluments of Public Officers" be read a second time. At the last meeting of the Council Government presented what was believed to be a balanced budget on the assumption that trade conditions did not deteriorate further, but Your Excellency intimated that if at any time there should be reason to anticipate a serious fall in the revenue it would be necessary to have recourse to measures to redress the balance so far as might be possible. The decline which has occurred recently in the prices of produce must, in the opinion of Government,

bring about such a fall in the revenue as to render it essential that Government should now adopt the course which so many other colonies have already taken, and impose a temporary levy on the emoluments of public officers, and it is in order to obtain legislative sanction for the imposition of such a levy that this Bill is introduced.

The part of the Bill which will perhaps receive the most scrutiny is the Schedule, which prescribes the rate of the levy. It will be seen that the levy on the less highly salaried officers is on a moderate scale, and while the rate of the levy steepens considerably with the rise in salary, I think that it will be generally felt that the demands made upon senior officers are not excessive having regard to the Government's financial exigencies and to the uncertainty of the outlook for the future.

The levy is imposed on the whole of an officer's emoluments, subject to certain exceptions which Honourable Members will find detailed in clause 2. I think that Honourable Members will see that in the selection of these exceptions two principles have been followed; in the first place to except those kinds of allowances which are usually received by officers on the lower scales of salary, and also to except allowances intended by way of refund to an officer for special expenditure which he may have to incur, or to make good to him special loss which he may suffer as a consequence of the performance of certain of his official duties.

There are just two other matters to which I will allude briefly. The Bill imposes a levy: it does not reduce emoluments. That means that pensions and gratuities which are awarded to officers will be in no wise affected by the provisions of the Bill. The levy imposed moreover is a temporary levy, and this Bill will expire on the first of May next year unless it is repealed before that date, or unless it should unfortunately happen that the financial position continued to be so unsatisfactory as to make it incumbent upon Government to ask the Council to continue the Bill further.

**The Hon. the Acting Deputy Chief Secretary:—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

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

*Council in Committee.*

*Clause 1.*

**The Hon. the Attorney-General:—**

This has been a very difficult clause to draft. It is desirable that the clause should give a clear indication as to how the levy is to be calculated on emoluments, whether payable in respect of a

month's service or in respect of only a few days' service. It is merely a question of drafting. Clause 4 in its present form is not satisfactory and I move therefore that that clause be deleted and that there be substituted for it the following clause:—

“ 4. (1) The levy on an officer's emoluments in respect  
 “ of any day's service shall be the amount leviable  
 “ under the Schedule hereto on the rate of such  
 “ emoluments per annum divided by twelve and by  
 “ the number of days in the month in which the  
 “ day occurs.”

“ (2) In so far as the emoluments of an officer consist of  
 “ fees or refunds thereof the daily average of such  
 “ fees or refunds earned may be ascertained over any  
 “ convenient period, and such daily average shall for  
 “ the purposes of the preceding sub-section be deemed  
 “ to be the amount of the officer's emoluments so far  
 “ as they consist of fees or refunds in respect of every  
 “ day during such period.”

*The amendment was adopted.*

*Clause 5.*

**The Hon. the Attorney-General:—**

Your Excellency has just indicated that it would be convenient to substitute for “ the 1st day of May, 1934 ” in this clause the words “ the 31st day of March, 1934.” This will make the date on which the Bill expires coincide with the end of the Government's financial year. I move therefore that the clause be amended accordingly.

*The amendment was adopted.*

The Bill having passed through Committee with two amendments, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Deputy Chief Secretary, the Bill was read a third time and passed.

**THE ADMINISTRATIVE OFFICERS (POWERS OF NATIVE AUTHORITY)  
 ORDINANCE, 1933.**

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled “ An Ordinance to enable the Governor to appoint an Administrative Officer to have the powers of a Native Authority in any area for which there is no Native Authority ” be read a second time. As Honourable Members are aware the greater part of the Protectorate of Nigeria is carved up into areas in which a chief, or a group of chiefs or a group of other persons are appointed by the Governor to be a Native Authority for that area. In that area the Native Authority has the extensive powers and important duties which are conferred and imposed upon it by the Native Authority Ordinance. These

powers and duties,—or let me refer to them collectively as this administrative jurisdiction—this administrative jurisdiction is not such as can be entrusted to just anyone. If in any area there is no chief or other person sufficiently competent to be invested with this jurisdiction, the proper administration of the area becomes impossible, and it is in order to meet these exceptional cases that this Bill is introduced for the purpose of enabling the Governor to appoint for such an area a District Officer to have the powers of a Native Authority.

**The Hon. the Acting Deputy Chief Secretary:—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

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

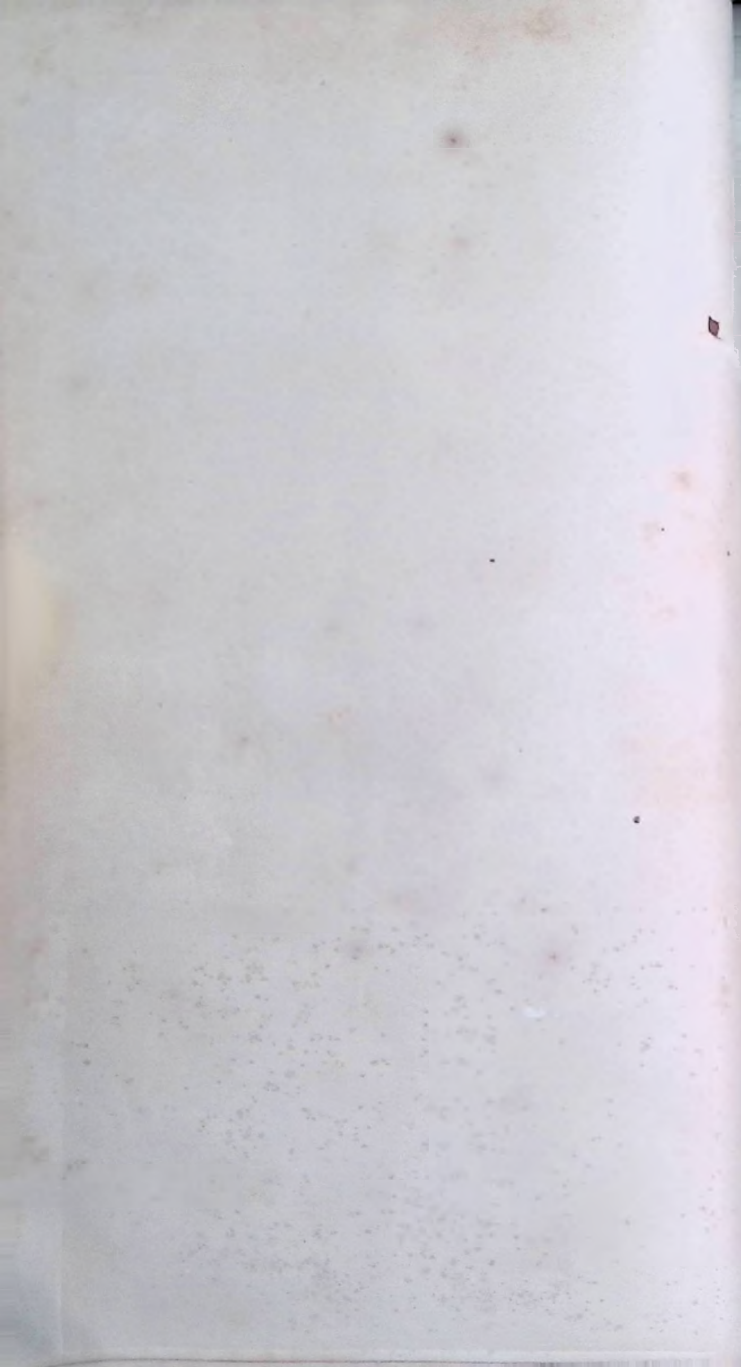
*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Deputy Chief Secretary, the Bill was read a third time and passed.

**His Excellency:—**

That, Honourable Members, finishes the business of the meeting, and Council will meet again towards the end of October to take the three Bills of consequence—the High Court Bill, the Protectorate and the Native Courts Bills—which have been by design postponed until then so that I might have an opportunity (as I am going to have in a few days time) of meeting representatives of the Bar to discuss those Bills, and also in order that our friends the Honourable the Commercial Member for Calabar (Mr. G. Graham Paul) and the Honourable the Commercial Member for Lagos (Mr. R. F. Irving) who are interested in these matters, shall have returned to the Colony and be able then to take part in our discussions. Council is adjourned *sine die*.

*Council adjourned at 11.45 a.m. sine die.*





NIGERIA

Legislative Council  
Debates

ELEVENTH SESSION, 1933

(50th, 31st October, and 2nd November, 1933).

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# Legislative Council Debates

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ELEVENTH SESSION, 1933

(30th, 31st October, and 2nd November, 1933).

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LAGOS:

Printed and published by the Government Printer

1933



DEBATES  
IN THE  
LEGISLATIVE COUNCIL  
OF  
NIGERIA  
ON

Monday, 30th October, 1933.

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Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 10 a.m. on Monday, the 30th of October, 1933.

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PRESENT.

OFFICIAL MEMBERS.

- The Governor,  
His Excellency Sir Donaki Cameron, G.C.M.G., K.B.E.
- The Acting Chief Secretary to the Government,  
The Honourable Mr. A. C. Burns, C.M.G.
- The Chief Commissioner, Northern Provinces,  
His Honour Mr. G. S. Browne, C.M.G.
- The Acting Lieutenant-Governor, Southern Provinces,  
His Honour Mr. W. E. Hunt, C.B.E.
- The Attorney-General,  
The Honourable Mr. A. C. V. Prior.
- The Acting Treasurer,  
The Honourable Mr. A. H. Hodges.
- The Director of the Medical and Sanitary Service,  
The Honourable Dr. W. B. Johnson, C.M.G.
- The Honourable Mr. E. R. J. Hussey, C.M.G.,  
Director of Education.
- The Director of Marine,  
The Honourable Captain L. J. Hall, O.B.E., R.D., R.N.R.

- The Acting Comptroller of Customs,  
The Honourable Mr. K. S. Martin.
- The Acting Secretary, Northern Provinces,  
The Honourable Mr. W. Morgan.
- The Senior Resident, Calabar Province,  
The Honourable Mr. G. H. Findlay.
- The Acting Deputy Chief Secretary,  
The Honourable Mr. G. C. Whiteley.
- The General Manager of the Railway,  
The Honourable Mr. G. V. O. Bulkeley, C.B.E.
- The Director of Public Works,  
The Honourable Mr. C. L. Cox.
- The Acting Director of Agriculture,  
The Honourable Captain J. R. Mackie.
- The Honourable Mr. G. B. Hebden,  
Postmaster-General.
- The Honourable Mr. E. M. Falk,  
Commissioner of the Colony.
- The Honourable Captain J. Calder Wood, M.C., Surveyor-General  
(Extraordinary Member).

## UNOFFICIAL MEMBERS.

- The First Lagos Member,  
The Honourable Mr. E. O. Moore.
- \* The Commercial Member for Lagos,  
The Honourable Mr. R. F. Irving.
- The Member for the Warri-Benin Division,  
The Honourable Mr. I. T. Palmer.
- The Member for Calabar,  
The Honourable Mr. C. W. Clinton.
- The Third Lagos Member,  
The Honourable Mr. T. A. Doherty.
- The Member for the Ibo Division,  
The Venerable Archdeacon G. T. Basson.
- The Member for Shipping,  
The Honourable Mr. H. S. Feggetter.
- The Member for the Egba Division,  
The Honourable Mr. A. Alakija.
- The Member for the Colony Division,  
The Honourable Mr. H. Carr, O.B.E., I.S.O.
- \* Absent from the afternoon meeting of the Council.

- The Member Representing the Niger African Traders,  
The Honourable Mr. B. O.-E. Amohi.
- The Member for the Rivers Division,  
The Honourable Mr. S. B. Rhodes.
- The Mining Member (Provisional),  
The Honourable Mr. J. Dent Young.
- The Banking Member (Provisional),  
The Honourable Mr. D. D. Gibb.
- The Honourable Mr. G. Graham Paul (Extraordinary Member).

## ABSENT.

- The Commandant,  
The Honourable Colonel W. R. Meredith, D.S.O.
- The Senior Resident, Sokoto Province,  
The Honourable Mr. G. J. Lethem.
- The Senior Resident, Plateau Province,  
The Honourable Mr. H. H. Middleton.
- The Senior Resident, Niger Province,  
The Honourable Mr. H. F. Backwell.
- The Resident, Bauchi Province,  
The Honourable Mr. T. C. Newton.
- The Resident, Cameroons Province,  
The Honourable Mr. J. W. C. Rutherford.
- The Resident, Benue Province,  
The Honourable Mr. E. S. Pembleton.
- The Resident, Abeokuta Province,  
The Honourable Mr. A. E. F. Murray.
- The Resident, Oyo Province,  
The Honourable Mr. H. L. Ward-Price.
- The Resident, Ijebu Province,  
The Honourable Mr. H. M. Brice-Smith.
- The Second Lagos Member,  
The Honourable Dr. C. C. Adeniyi-Jones.
- The Member for the Oyo Division,  
The Honourable Mr. A. S. Agbaje.
- The Commercial Member for Kano,  
The Honourable Mr. T. Hepburn.
- The Commercial Member for Port Harcourt,  
The Honourable Mr. P. H. Davey.
- The Commercial Member for Calabar,  
The Honourable Mr. H. B. Wheeler.

**PRAYERS.**

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

**CONFIRMATION OF MINUTES.**

The Minutes of the meeting held on the 10th of July, 1933, having been printed and circulated to Honourable Members were taken as read and confirmed.

**OATHS.**

The Honourable the Senior Resident, Calabar Province, the Honourable the General Manager of the Railway, the Honourable Captain J. Calder Wood, M.C., Surveyor-General (Extraordinary Member), the Honourable the Member for the Egba Division, the Honourable the Member for the Colony Division, the Honourable the Member Representing the Niger African Traders, the Honourable the Member for the Rivers Division, took the Oath as members of the Council.

**PAPERS LAID.**

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

Reports by the returning officers on the results of the recent elections of members for the Municipal Areas of Lagos and Calabar respectively.

Sessional Paper No. 12 of 1933, Annual Report on the Police Department for the year 1932.

Sessional Paper No. 13 of 1933, Annual Report on the Printing Department for the year 1932.

Sessional Paper No. 14 of 1933, Position of the Members of the Legislative Council.

Sessional Paper No. 15 of 1933, Annual Report on the Survey Department for the year 1932.

Sessional Paper No. 16 of 1933, Northern Provinces Native Treasuries Estimates for the year 1932.

Sessional Paper No. 17 of 1933, Annual Report on the Marine Department for the year 1932.

Sessional Paper No. 18 of 1933, Annual Report on the Harbour Department for the year 1932.

Sessional Paper No. 19 of 1933, The Colonial Agricultural Scholarship Scheme.

Sessional Paper No. 20 of 1933, Annual Report on the Geological Survey for the year 1932.

Sessional Paper No. 21 of 1933, Annual Report by the Directors of the Public Officers' Guarantee Fund for the period ended 31st March, 1933.

- Sessional Paper No. 22 of 1933, Annual Report on the Prisons Department (Northern and Southern Provinces and Colony) for the year 1932.
- Sessional Paper No. 23 of 1933, Annual Report on the Education Department for the year 1932.
- Sessional Paper No. 24 of 1933, Report on Abeokuta Water and Electric Light Supply.
- Sessional Paper No. 25 of 1933, Annual Report on the Posts and Telegraphs Department and Post Office Savings Bank for the year 1932.
- Sessional Paper No. 26 of 1933, Annual Report on the Northern Provinces for the year 1932.
- Sessional Paper No. 27 of 1933, Annual Report on the Veterinary Department for the year 1932.
- Sessional Paper No. 28 of 1933, Despatch from Secretary of State for the Colonies on the subject of the Competition of Whale-oil with Palm-oil products.
- Sessional Paper No. 29 of 1933, Nigerian Railway and Udi Coal Mines Administrative Report for the year ended 31st March, 1933.
- Sessional Paper No. 30 of 1933, Report on Lagos Sanitation Scheme.
- Sessional Paper No. 31 of 1933, Report of Committee on Road and Railway Competition.
- Sessional Paper No. 32 of 1933, Calabar Water Supply.
- Supplementary Estimates, 1932-33, fourth quarter (second and final list).
- Supplementary Estimates, 1933-34, first quarter.
- Supplementary Estimates, 1933-34, second quarter.
- Subsidiary legislation made since the last meeting of the Council.

#### QUESTIONS.

THE HON. THE MEMBER FOR THE IBO DIVISION (THE VENERABLE ARCHDEACON G. T. BASDEN):—

1. Whether Government will consider the notice published in Gazette No. 44, Vol. 20 of July 27, 1933, and allow officials wishing to take the Ibo and Efik Language Examinations to use the orthography they prefer?

*Answer:*—

THE HON. MR. E. R. J. HUSSEY, C.M.G. (DIRECTOR OF EDUCATION):—

The Government requires its officers to use approved orthography in language examinations and cannot allow candidates to spell as they like. A very few hours study is sufficient to familiarise a candidate with the differences in the two systems.

THE HON. THE MEMBER FOR THE IBO DIVISION (THE VENERABLE ARCHDEACON G. T. BASDEN):—

2. Whether, in these days of economic stress, Government considers it justifiable to spend £1,000 (about) *per annum* in continuing to labour and produce a small literature in the new script seeing that it is used in not more than 1.1% of the schools in the area affected?

*Answer:—*

THE HON. MR. E. R. J. HUSSEY, C.M.G. (DIRECTOR OF EDUCATION):—

The Language Bureau exists for the production of school text-books and other books in Efik and Ibo and has not as its object the spread of the phonetic orthography, though it naturally makes use of it.

THE HON. THE MEMBER FOR THE IBO DIVISION (THE VENERABLE ARCHDEACON G. T. BASDEN):—

3. And, further, seeing that it may be reasonably presumed that Ibo and Efik literature is likely to be confined to narrow limits for an indefinite period whether it is worth while to continue spending so much money for what is actually of little benefit except, perhaps, to a few Europeans?

*Answer:—*

THE HON. MR. E. R. J. HUSSEY, C.M.G. (DIRECTOR OF EDUCATION):—

Although the policy of the Government is definitely to foster the spread of the English language, so that it may eventually become the *lingua franca* of Southern Nigeria, a large proportion of the schools do not at present keep the children long enough to make them literate in that language. But in the mother languages, Ibo and Efik, the pupils do obtain a degree of literacy, which can be developed when they leave school by the provision of reading material. The Bureau exists to supply school books and literature for those who are only literate in the native languages. It is not concerned with the production of books for Europeans.

THE HON. THE MEMBER FOR THE IBO DIVISION (THE VENERABLE ARCHDEACON G. T. BASDEN):—

4. Having respect to the fact that children master vernacular reading in from six to twelve months, and then proceed to English, in which language their future studies will be, whether the imposition of a strange script upon them for a few months is considered helpful and beneficial or otherwise?

*Answer:—*

THE HON. MR. E. R. J. HUSSEY, C.M.G. (DIRECTOR OF EDUCATION):—

The reason for introducing the script was that it should make the learning of the language easier for African children, and African teachers who have tried it are enthusiastic about the

results. It is no more difficult to acquire than the old script and an African pupil can pass from the old to the new without difficulty.

THE HON. THE MEMBER FOR THE IBO DIVISION (THE VENERABLE ARCHDEACON G. T. BASDEN):—

5. Seeing that over 94% of the pupils of the Eastern Province are in Mission Schools where the new orthography is not taught, and seeing also that the Bible and all service books are in the normal characters and, further, that there does not appear to be the faintest prospect of their being changed, whether the idea of a new script has not appeared too late for practical purposes?

Answer:—

THE HON. MR. E. R. J. HUSSEY, C.M.G. (DIRECTOR OF EDUCATION):—

The Honourable Member has been misinformed, as a large proportion of the schools, other than the C.M.S., are now using the new script.

THE HON. THE MEMBER FOR THE IBO DIVISION (THE VENERABLE ARCHDEACON G. T. BASDEN):—

6. That as there are probably a quarter of a million Ibos, Efiks and Ibibios who are already familiar with the old script whether it is advisable or desirable to make changes—and whether it is justifiable to continue to spend more money on an experiment unwanted by the people of the country?

Answer:—

THE HON. MR. E. R. J. HUSSEY, C.M.G. (DIRECTOR OF EDUCATION):—

The African does not find the same difficulty as the European in changing over from one of the old methods of spelling to a phonetic orthography, and as has been explained in the answer to Question No. 2, no money is being spent on the new orthography.

THE HON. THE MEMBER FOR THE IBO DIVISION (THE VENERABLE ARCHDEACON G. T. BASDEN):—

7. Remembering, also, that the new orthography has been rejected for use in the neighbouring Yoruba country, whether any explanation is forthcoming why the Ibo and Efik Languages should be selected for this unwelcome attention?

Answer:—

THE HON. MR. E. R. J. HUSSEY, C.M.G. (DIRECTOR OF EDUCATION):—

The Board of Education has considered the question of this script on several occasions and the policy with regard to it has been in accordance with the wishes of the Board, on which the

Missionary Societies are strongly represented. On the 8th of April, 1929, at a meeting at which Professor Westermann attended, it was unanimously decided to adopt the orthography suggested by Professor Westermann.

On the 10th of October, 1930, it was agreed to drop the new orthography as regards Yoruba, which had a large literature in existence, but to retain it for Ibo and Efik, where with the exception of a few religious books, literature was non-existent, and that two or three hundred of the newly prepared text-books should be printed in it and distributed for trying it out in the schools.

On the 11th of January, 1932, at a meeting of the Board of Education, Mr. Adams of the Bureau was present and reviewed the history of the proposed new script. After some discussion the Board unanimously agreed to recognise the new script, which would be used in departmental publications, although other agencies might continue for some time to use some other form of writing. It was felt that by this method uniformity would in time be obtained throughout the country.

THE HON. THE FIRST LAGOS MEMBER (MR. E. O. MOORE):—

8. (a) What are the senior posts referred to in the Sessional Paper No. 23 of 1933—Annual Report on the Education Department for the year 1932—and what number thereof are already filled by Africans?

(b) What has been the actual saving to the Nigerian Budget in this respect?

Answer:—

THE HON. MR. E. R. J. HUSSEY, C.M.G. (DIRECTOR OF EDUCATION):—

(a) The Senior posts refer principally to Visiting Teachers who are now employed in practically every Province, North and South, and who have taken over some of the duties of Superintendents of Education. These officials are not shown separately in the budget, but appear among the senior grades of teachers. In addition, the teaching staffs of boys' Colleges and Queen's College for girls include more African teachers and lecturers. The posts in the Education Department are not labelled European or African posts. In proportion as the number of qualified Africans assume responsible work, so the number of Europeans decreases.

(b) In view of the answer to (a) it is impossible to estimate accurately the saving effected by these means. The reduction in the European personnel since 1929 is 40, which is equivalent to a saving under this item of between £20,000 and £30,000.

THE HON. THE FIRST LAGOS MEMBER (MR. E. O. MOORE):—

9. (a) Whether there is any truth in the report that with a view to effecting economy on education, Government contemplates closing down a number of schools in the Northern and Southern Provinces.

(b) If so whether the Government will give this Council an opportunity of discussing the question before a final decision is arrived at?

*Answer:—*

THE HON. MR. E. R. J. HUSSEY, C.M.G. (DIRECTOR OF EDUCATION):—

(a) The Government has had to consider making economies in the Education Department as in other Departments. It is hoped, however, that it will not be necessary to close down Government schools, except in a few cases where it may be possible to provide facilities for the children elsewhere by handing over the building to a missionary society, a Native Administration or a local committee.

(b) Does not therefore arise.

THE HON. THE FIRST LAGOS MEMBER (MR. E. O. MOORE):—

10. (a) Whether in consequence of an incident which occurred in the Makurdi Hospital on the 11th of August, 1932, reported in the columns of the "Nigerian Daily Telegraph" of August 20, 1932, the Honourable the Director of Medical Service caused investigation to be made and whether as a result of that investigation His Excellency the Governor ordered a Commission of Inquiry consisting of the Senior Resident, Jos, and Dr. Aitken of Lagos as Commissioners to enquire into the administration of Makurdi Hospital?

(b) Whether there is any reason why the Report of the Commission should not be laid on the table of this Council for the information of Honourable members?

*Answer:—*

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

(a) Yes, Sir.

(b) The Commission of Inquiry did not apportion culpability to any member of the hospital staff with reference to the incident referred to and it is not proposed to lay the report of the Commission on the table.

THE HON. THE FIRST LAGOS MEMBER (MR. E. O. MOORE):—

11. (a) How many craft have been retrenched and are anchored in the Victoria Lagoon or Badagry Creek and how long has each been lying idle?

(b) Are there any Europeans on board each of these craft and if so what duty does each of them perform?

(c) What quantity of stores if any is supplied to each of these craft monthly as engineering and deck stores?

(d) Has any of these craft been repaired in the dock since it was retrenched and if so what is the cost of the repairs?

Answer:—

THE HON. THE DIRECTOR OF MARINE:—

(a) The following craft retrenched, or partially retrenched, are now laid up either in Badagry Creek, Ebute Metta Creek, or at Apapa Dockyard:

Name.	Date laid up.
"Lady Thomson" ... ..	Dredger ... .. March, 1932.
"Lady Conbe" ... ..	do. ... .. March, 1932.
"Queen Mary" ... ..	do. ... .. August, 1931.
"Child" ... ..	do. ... .. March, 1932.
*"Enugu" ... ..	Collier ... .. March, 1932.
"Pathfinder" ... ..	do. ... .. August, 1931.
"Remus" ... ..	Tug ... .. March, 1932.
"Barman" ... ..	do. ... .. March, 1932.
"Kwara" ... ..	do. ... .. March, 1932.
†"Rollicker" or } ... ..	do. ... .. September, 1932.
"Atlas" } ... ..	
"Heron" ... ..	Motor Launch ... .. August, 1931.
"Jackdaw" ... ..	do. ... .. August, 1931.
"Hornbill" ... ..	do. ... .. March, 1932.
"Armstrong" ... ..	Reclamation Pontoon ... .. September, 1933.
"Whitworth" ... ..	Pontoon Grab ... .. September, 1933.
4 Small Reclamation Barges ... ..	... .. September, 1933.
5 Large Reclamation Barges... ..	... .. March, 1932.

\* The "Enugu" was commissioned for four months last year, whilst repairs were being carried out on the "Atlas".

† The "Rollicker" is acting as stand-by tug whilst the "Atlas" is being reconditioned.

(b) Theoretically there should be four European Officers in charge of all the above vessels, but in practice there are rarely more than two, and on occasions there have been none. They supervise the maintenance generally including turning over the engines periodically.

(c) Engineering and Deck stores to a total value of £50 per month are supplied to the above craft.

(d) Each of the above vessels is docked or slipped once per year. Running repairs to the extent of £1,215 have been carried out since the craft were laid up. Special Expenditure was incurred on overhauling the *Rollicker* and *Pathfinder* to the extent of £2,400 and £1,750 respectively.

THE HON. THE FIRST LAGOS MEMBER (MR. E. O. MOORE):—

12. (a) How many plots at the Oko Awo Area have been acquired by the Lagos Executive Development Board, how many have been sold and how many have been retained by the original owners as an improved area?

(b) How much has been spent in acquiring buildings and land in that area?

Answer:—

THE HON. MR. E. M. FALK (COMMISSIONER OF THE COLONY AND ACTING COMMISSIONER OF LANDS):—

(a) Two hundred and eleven plots have been acquired. Twelve plots have been sold, and twenty-two plots have been leased. Forty plots have been retained by the original owners. The area of most individual plots in the new lay-out is far larger than that of the individual plots acquired originally.

(b) The total cost of acquiring the land and buildings thereon was £60,202 13s. 7d.

#### RESOLUTION.

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

Sir, I rise to move the following resolution:—

“ Be it resolved: That this Council records the deep regret  
 “ with which it has learnt of the death of the Honour-  
 “ able Lieutenant-Colonel Richard Herbert Rowe,  
 “ D.S.O., M.C., Commissioner of Lands, and desires that  
 “ an expression of its sympathy be conveyed to  
 “ Lieutenant-Colonel Rowe's relatives.”

If the expressions of public sorrow which were manifested when Colonel Rowe died were any true indication this resolution is assured of the sympathy not only of all the Members of this Council but of all classes of the community. By the death of Colonel Rowe the British Army has lost a gallant officer, the Nigerian Civil Service has lost a hardworking and conscientious colleague and Your Excellency one of your most trusted advisers. The people of Nigeria, and the inhabitants of Lagos in particular, have lost one who never ceased to work and to plan for their benefit.

Colonel Rowe was appointed to the British Army in 1902 and after serving in Bermuda and in the West Indies he was attached to the Nigeria Regiment in 1907. He first joined the Nigerian Civil Service in 1910 as a member of the Survey Department. On the outbreak of War he of course rejoined the Army and proceeded to the Cameroons on the staff of General Dobell; at the close of that campaign he served with distinction both in France and Russia. Three times mentioned in despatches, he was awarded the Distinguished Service Order and the Military Cross. At the close of the War he was appointed Surveyor-General of the Gold Coast and in 1926 he came to Nigeria again as Commissioner of Lands.

It is unnecessary for me to remind the Council of the work that Colonel Rowe did here, particularly with regard to the clearing up of some of the worst slums of Lagos, and in the establishment at Yaba of what promises to become a prosperous residential suburb. He was a man of far vision and he saw,

beyond the immediate future, a large settlement at Yaba of well-built houses, inhabited by people who owned the houses in which they lived. It is good to know that before he died he saw definite indications that his dream would come true.

To a few of his more intimate friends Colonel Rowe would sometimes speak of the great sorrow that overshadowed his later years, but his fine courage did not permit this sorrow to interfere with his ordinary social relations. I think that perhaps he tried by hard work to cover up the traces of his private griefs, and that he devoted his energies to such schemes as Toc II and the inauguration of the new Seamen's Institute at Apapa hoping thereby to afford to others some measure of the happiness which he himself had been denied.

**The Hon. the First Lagos Member (Mr. E. O. Moore):—**

Sir, on the death of the honourable and gallant gentleman tributes were paid to him by many persons, not only by the Lagos journals but also the English newspapers, including the London *Times*, and to these I must add that from no less a personage than His Royal Highness, the Prince of Wales. No one who had the slightest acquaintance with the honourable and gallant gentleman has any doubt that those tributes were well deserved.

But, Sir, this Council of which he was a distinguished member for many years owes its own special tribute to its member. It is true that by virtue of his office as Commissioner of Lands he was not often called upon to address the House, but Honourable Members who were Members of the last Council will remember how he piloted through that very important but complicated measure—I refer to the Lagos Town Planning Ordinance. The skill and patience which he exhibited on that occasion won the admiration of Honourable Members, but for the general public it was when the time came for the provisions of that Ordinance to be set up and for the objects of the Ordinance to be carried out that his work was best known. It was a most delicate Ordinance for a country such as this, but we had the right man in the honourable and gallant gentleman to carry those provisions out.

He began if I remember rightly by having several interviews with representatives of the community, by carefully explaining the objects of that Ordinance to them and by asking for their views, and I remember that on one occasion after it had been decided that ten *per cent.* was not to be paid for compensation, that he exchanged views with certain representatives of the community and promised to reconsider the question. He gave in and the result was that ten *per cent.* compensation was paid on every occasion and the people were satisfied. By that method, Sir, he gained the people's confidence, and they afterwards came to realise that the objects of that measure were really for their benefit. As the Honourable the Acting Chief Secretary has said, the Yaba Estate will always be a record to his memory as will the development of the Oko Awo area where plague unfortunately

started some years ago, and which has undergone a great transformation now. I have no doubt, Sir, that by these two measures he will long be remembered in Nigeria, and particularly in Lagos. The honourable and gallant gentleman has left a fine record of work well done and as one who has paid tribute to him has said his death has cut short a career, but it has not ended its usefulness. Sir, I beg to second the resolution.

**His Excellency :—**

A most efficient, a most zealous, a most loyal public servant; a man of great probity and depth of character. A true friend. I look back with pleasure to the fact that I enjoyed unclouded his friendship for twenty-two years. A gallant officer and a great gentleman. Will the Council signify their acquiescence in the resolution by standing.

*Honourable Members stood in silence.*

**His Excellency :—**

The resolution is adopted.

**The Hon. the Acting Chief Secretary to the Government :—**

Sir, I beg to move the resolution standing in my name in the Order of the Day. Copies of this resolution have been circulated to Honourable Members and it is unnecessary therefore for me to read it. The first paragraph of the resolution is designed to impose an import duty of fifteen *per cent. ad valorem* on separated or skimmed milk containing less than eight *per cent.* of fat whether fresh, tinned or powdered. Honourable Members will recollect that at the last meeting of the Council milk, cream, and certain other foods, which were considered to be of use in the feeding of infants were placed on the free list. It has since been represented that a certain amount of milk containing less than eight *per cent.* of fat, which Your Excellency is advised is not of value for feeding infants, is being imported. An Order in Council has already been passed, prohibiting the importation of such milk unless it is clearly labelled as being unsuitable for infants but it is considered that milk of this kind will continue to be imported for ordinary use, and there is no reason why it should not pay duty in the same way as other foodstuffs.

The second paragraph of the resolution is designed to impose an import duty of one shilling per cubic foot on all timber imported into Nigeria other than timber specially exempted in the second Schedule, and other than shooks and timber prepared ready for making up into cases for packing petrol, soap and other products. Major Oliphant, the expert who has recently been investigating the possibilities of developing in a commercial way the forests of Nigeria, has pointed out that it is essential if an export trade in timber is to be successful that it should be based

on a successful domestic trade. He pointed out that a large proportion of the ordinary run of logs will not be good enough for export and that it will be necessary to build up a local trade in the lower grades of timber as a basis for a successful export trade. The need for protecting an industry such as this in Nigeria is obvious.

I have pointed out, Sir, that Government has exempted in this Ordinance timber prepared and ready to be made up into cases for packing petrol and soap, but it is the intention of Government—and I would call the particular attention of Honourable Members to this statement—it is the intention of Government to impose a duty on such timber as soon as there is satisfactory proof that local enterprise is ready to produce such cases or the material for making such cases in sufficiently large quantities, and at a reasonable price.

The third paragraph is designed to prohibit the importation into Nigeria of fortified or reinforced wine at the rate of duty which was designed for true wines, and in competition with spirits on which a heavy duty is paid. It has been ascertained that the percentage of alcohol by weight in pure wines and reinforced wines is not a factor in determining which is which, but that factitious or reinforced wines invariably contain more than twenty *per cent.* by volume of pure alcohol whereas pure wine does not. The substitution of the word "volume" for "weight" will have the effect of raising the duty on these factitious wines without in any way raising the duty on real wines.

**The Hon. the Acting Comptroller of Customs:—**

I beg to second the motion.

*The resolution was adopted.*

**The Hon. the Acting Chief Secretary to the Government:—**

Sir, I rise to move the following resolution:—

"Be it resolved: That this Council consents to the  
 " expenditure, on the re-alignment of the approach  
 " road to the Denton Causeway from the mainland and  
 " on the widening of the road between Carter Bridge  
 " and the Causeway, of part of the savings on the  
 " construction of the Denton Causeway, the funds for  
 " which were provided as to £10,930 by a resolution  
 " passed in this Council on the 11th of February, 1932,  
 " and as to £29,070 by the utilisation, under the  
 " provisions of section 5 of the Loan Ordinance, 1923,  
 " of savings under other items of the Schedule to the  
 " 1923 Loan."

When moving the resolution authorising the expenditure on Denton Causeway in February, 1932, I stated in this Council that the estimate of the cost of construction of the Causeway was £40,000. I am glad to be able to inform the Council that owing to various anticipated difficulties not arising, and to improved

methods of working, we shall be able to complete the Causeway for about £30,000 only, and it is proposed to use some of the money saved for the realignment of the approach road to the Causeway at Ebute Metta, and reconstructing the road on Iddo Island between the Causeway and Carter Bridge. The total cost of this work is estimated to be £5,123. I am sure Honourable Members will agree as to the desirability of removing the bottle neck for traffic which would exist if these works were not carried out. It is essential that the work should be done. It would have to be done soon in any case, and the present is a good opportunity for carrying out the work in order to put money into circulation.

**The Hon. Mr. E. M. Falk (Commissioner of the Colony):—**

I beg to second the motion.

*The resolution was adopted.*

**The Hon. the Director of Public Works:—**

Sir, I rise to move the following resolution:—

“ Be it resolved: That this Council consents, subject to  
“ the approval of the Secretary of State, to the  
“ appropriation of £47,000 from the unappropriated  
“ balance of £97,631 remaining in the 1930 Loan to be  
“ spent on the construction of seventeen tank latrines,  
“ twelve non-tank latrines and associated works as  
“ detailed in Sessional Paper No. 30 of 1933 and to the  
“ cancellation of the appropriation from the 1923 and  
“ 1927 Loans of £5,000 for the erection of five tank  
“ latrines approved by this Council on the 8th of  
“ March last.”

When, Sir, the first tank latrine project was brought before this Council in March last I made it clear that a more extensive scheme was under consideration. The matter has since been carried further and the scheme now before the Council not only incorporates the full tank-latrine proposals but makes provision for a number of non-tank latrines and tipping dumps. Unlike the tank latrines these buildings cannot be drained directly to the Lagoon and it becomes necessary to provide a number of pumping stations and a small skeleton sewerage system. Advantage has been taken of this to provide for the immediate connection of certain Government premises and facilities for the ultimate connection of a limited number of others—both Government and private.

As Honourable Members may recall, for the Main Sewerage Scheme the Consulting Engineers proposed differing methods in different parts of the town. In the area bordering on the Marina there was to be a complete system of sewers giving facilities for house drainage in all premises in the area. The scope and limitations of the new scheme are described in the Sessional Paper, and there may be some disappointment that in the Western Section

of the Marina area—roughly from the Secretariat to the end of Broad Street—the prospects of house drainage are again deferred. This, however—and Honourable Members will I am sure agree—is not a propitious time to ask or to compel property owners to incur the very heavy expense that house drainage installation would involve, and without these installations the relatively heavy cost to Government of the necessary sewers and pumping stations cannot be justified. I would add that the scheme can be extended without difficulty when the time is ripe and funds permit. As regards the remaining, and greater, part of the city, the two schemes adopt the same principle and they both rely on communal public latrines and tipping dumps.

There is one other matter to which I would refer. At the March Session of the Council the Honourable the Third Lagos Member questioned whether the arrangements at the experimental latrine gave sufficient privacy. Enquiries were made and the matter was carefully considered immediately after the meeting, and the conclusion was formed that there is a considerable and increasing proportion of the population that will in no circumstances resort to these public conveniences whatever accommodation is provided—with this view the Honourable Member will I think agree. If we may judge by the continued popularity of the Ebute Ero building—a recent count gave a figure of over 7,000 users a day—the remainder of the population will not regard the arrangements, which are a considerable advance on those provided in the existing bucket latrines as unsatisfactory.

I have endeavoured in the report to explain the details of the scheme, but if there remain any doubtful points, I shall be pleased to give further information.

**The Hon. the Acting Deputy Chief Secretary:—**

I beg to second the resolution.

*The resolution was adopted.*

**The Hon. the Director of Public Works:—**

Sir, I rise to move the following resolution:—

“ Be it resolved: That this Council consents to assistance  
 “ being given to the Abeokuta Native Administration’s  
 “ combined electric light and water supply scheme, the  
 “ details of which are given in Sessional Paper No. 24  
 “ of 1933, in the form of a free grant from Loan Funds  
 “ of £30,000 and a loan of £21,000 free of interest for  
 “ four years, with interest at the rate of six *per cent.*  
 “ *per annum* thereafter; and to the provision of £1,400  
 “ to cover the cost of electric light installations in  
 “ Government quarters and buildings, the grant of  
 “ £25,000 for a similar purpose approved by this  
 “ Council on the 8th of March, 1933, being cancelled.”

The details of this revised scheme are given in the Sessional Paper.

The Alake and his Council have always been very desirous of continuing the old electric light scheme that has been in operation in Abeokuta for many years and of extending it to meet the increased demands. When therefore the question of the replacement of the old waterworks boilers became a matter of extreme urgency, and when the question of further expenditure on the old electric light plant had to be considered, the whole matter was reviewed, and the scheme which is explained in the Sessional Paper and which is a revised and modified edition of the original scheme, has been put forward.

The estimates of the current consumption and of electric light revenue have been framed on a conservative basis and there would seem to be no doubt that in so progressive a community as Abeokuta those figures given will be obtained. Mr. Pickworth, who is always very conservative in estimates of this kind, believes and is confident that with a return to prosperity the figures will be materially increased and that the finances of the joint undertaking will be on a very much more favourable basis than is shown in the Sessional Paper.

**The Hon. the Member for the Egba Division (Mr. A. Alakija):—**  
I beg to second the motion.

**The Hon. the First Lagos Member (Mr. E. O. Moore):—**

Was not a similar resolution to this passed some time ago? I was under that impression, Sir.

**His Excellency:—**

Will the Honourable Member read the last two lines of this resolution.

*The resolution was adopted.*

**The Hon. the Acting Chief Secretary to the Government:—**

Sir, I rise to move the following resolution:—

“ Be it resolved: That this Council approves the continuation for the three financial years 1935-36, 1936-37 and 1937-38 of a contribution towards the cost of the Colonial Agricultural Scholarship Scheme on the terms stated in the Secretary of State’s Circular despatch of the 21st of April, 1933, which has been printed and laid on the Table to-day as Sessional Paper No. 19 of 1933.”

On the 21st of October, 1925, the Council adopted a resolution which authorised a contribution of £1,300 a year to this scheme. From time to time the amount of the contribution paid by Nigeria has varied and for the current year and for next year it has been reduced to £700. It will be seen from Sessional Paper No. 19 laid by me on the table to-day that the Colonial Advisory Committee

on Agriculture and Animal Health recommend the continuation of the scheme on a reduced basis. As before the Imperial Government will contribute one third of the cost, the remaining two thirds being borne by the different Colonies which undertake to contribute to the scheme. It is impossible to say at the moment, Sir, the exact amount of the Nigerian contribution because it depends to a very great extent on the number of Colonies which undertake to contribute.

It appears, however, from the despatch quoted in the Sessional Paper that the amount required from all the Colonies will not exceed £4,000, against £7,000 which was the Colonies' share in previous years. The Council is asked at this stage merely to guarantee the support of Nigeria for three years, that is until 1937-1938.

**The Hon. the Acting Director of Agriculture (Captain J. R. Mackie):—**

I beg to second the motion.

**The Hon. Mr. G. Graham Paul (Extraordinary Member):—**

I suppose we may take it, Sir, that the other Colonies will support the scheme and that Nigeria by supporting it will not be lauded with a liability of £4,000?

**His Excellency:—**

We can assume that.

*The resolution was adopted.*

**The Hon. the Acting Treasurer:—**

Sir, I rise to move the following resolution:—

“ Be it resolved: That the Supplementary Estimates for the  
 “ fourth quarter of the financial year 1932-33 (second  
 “ and final list) and for the first and second quarters of  
 “ the financial year 1933-34 which have been laid on the  
 “ table to-day be referred to the Finance Committee.”

**The Hon. the Acting Deputy Chief Secretary:—**

I beg to second the motion.

*The resolution was adopted.*

## BILLS.

### THE NATIVE AUTHORITY ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Secretary, Northern Provinces, a Bill entitled “ The Native Authority Ordinance, 1933 ” was read a first time.

## THE NATIVE COURTS ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Secretary, Northern Provinces, a Bill entitled "The Native Courts Ordinance, 1933" was read a first time.

## THE PROTECTORATE COURTS ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Secretary, Northern Provinces, a Bill entitled "The Protectorate Courts Ordinance, 1933" was read a first time.

## THE SUPREME COURT (AMENDMENT) ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Deputy Chief Secretary, a Bill entitled "The Supreme Court (Amendment) Ordinance, 1933" was read a first time.

## THE CRIMINAL PROCEDURE (AMENDMENT NO. 2) ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Deputy Chief Secretary, a Bill entitled "The Criminal Procedure (Amendment No. 2) Ordinance, 1933" was read a first time.

## THE WEST AFRICAN COURT OF APPEAL ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Deputy Chief Secretary, a Bill entitled "The West African Court of Appeal Ordinance, 1933" was read a first time.

## THE INTER-TRIBAL BOUNDARIES SETTLEMENT ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable Mr. E. M. Falk (Commissioner of the Colony), a Bill entitled "The Inter-Tribal Boundaries Settlement Ordinance, 1933" was read a first time.

## THE INTERPRETATION (AMENDMENT) ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable Mr. E. M. Falk (Commissioner of the Colony), a Bill entitled "The Interpretation (Amendment) Ordinance, 1933" was read a first time.

## THE NOTARIES PUBLIC (AMENDMENT) ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable Mr. E. M. Falk (Commissioner of the Colony), a Bill entitled "The Notaries Public (Amendment) Ordinance, 1933" was read a first time.

THE MEDICAL PRACTITIONERS AND DENTISTS (AMENDMENT No. 2)  
ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Director of Medical and Sanitary Service, a Bill entitled "The Medical Practitioners and Dentists (Amendment No. 2) Ordinance, 1933" was read a first time.

THE CORONERS (AMENDMENT) ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Deputy Chief Secretary, a Bill entitled "The Coroners (Amendment) Ordinance, 1933" was read a first time.

THE FUGITIVE CRIMINALS SURRENDER (AMENDMENT) ORDINANCE,  
1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Deputy Chief Secretary, a Bill entitled "The Fugitive Criminals Surrender (Amendment) Ordinance, 1933" was read a first time.

THE OFFICIAL OATHS (AMENDMENT) ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Director of Marine, a Bill entitled "The Official Oaths (Amendment) Ordinance, 1933" was read a first time.

THE LUNACY (AMENDMENT) ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Director of Marine, a Bill entitled "The Lunacy (Amendment) Ordinance, 1933" was read a first time.

THE MARRIAGE (AMENDMENT) ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Director of Agriculture, a Bill entitled "The Marriage (Amendment) Ordinance, 1933" was read a first time.

THE LIQUOR (AMENDMENT No. 2) ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Director of Agriculture, a Bill entitled "The Liquor (Amendment No. 2) Ordinance, 1933" was read a first time.

THE BILLS OF SALE (AMENDMENT) ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable Mr. G. B. Hebden (Postmaster-General), a Bill entitled "The Bills of Sale (Amendment) Ordinance, 1933" was read a first time.

## THE ALIENS (AMENDMENT) ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable Mr. G. B. Hebden (Postmaster-General), a Bill entitled "The Aliens (Amendment) Ordinance, 1933" was read a first time.

## THE POLICE (AMENDMENT) ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the General Manager, Railway, a Bill entitled "The Police (Amendment) Ordinance, 1933" was read a first time.

## THE 1932-33 SUPPLEMENTARY SUPPLY ORDINANCE, 1933.

On the motion of the Honourable the Acting Treasurer, seconded by the Honourable the Acting Deputy Chief Secretary, a Bill entitled "The 1932-33 Supplementary Supply Ordinance, 1933" was read a first time.

## THE EDUCATION (COLONY AND SOUTHERN PROVINCES) (AMENDMENT) ORDINANCE, 1933.

On the motion of the Honourable Mr. E. R. J. Hussey, c.m.g. (Director of Education), seconded by the Honourable Captain J. Calder Wood, m.c. (Surveyor-General), a Bill entitled "The Education (Colony and Southern Provinces) (Amendment) Ordinance, 1933" was read a first time.

## THE CRIMINAL CODE (AMENDMENT) ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable Captain J. Calder Wood, m.c. (Surveyor-General), a Bill entitled "The Criminal Code (Amendment) Ordinance, 1933" was read a first time.

## THE LEGAL PRACTITIONERS ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable Captain J. Calder Wood, m.c. (Surveyor-General), a Bill entitled "The Legal Practitioners Ordinance, 1933" was read a first time.

## THE EX-NATIVE OFFICE HOLDERS REMOVAL ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Secretary, Northern Provinces, a Bill entitled "The Ex-Native Office Holders Removal Ordinance, 1933" was read a first time.

## THE LAND DEVELOPMENT (PROVISION FOR ROADS) ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable Mr. E. M. Falk (Commissioner of the Colony), a Bill entitled "The Land Development (Provision for Roads) Ordinance, 1933" was read a first time.

THE CUSTOMS (AMENDMENT) ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Comptroller of Customs, a Bill entitled "The Customs (Amendment) Ordinance, 1933" was read a first time.

THE WATERWORKS (AMENDMENT) ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Director of Public Works, a Bill entitled "The Waterworks (Amendment) Ordinance, 1933" was read a first time.

THE REGISTRATION OF UNITED KINGDOM DESIGNS (AMENDMENT) ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable Mr. E. M. Falk (Commissioner of the Colony), a Bill entitled "The Registration of United Kingdom Designs (Amendment) Ordinance, 1933" was read a first time.

THE FOLDED WOVEN GOODS (AMENDMENT No. 2) ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Comptroller of Customs, a Bill entitled "The Folded Woven Goods (Amendment No. 2) Ordinance, 1933" was read a first time.

**The Hon. the Attorney-General:—**

Honourable Members will see that an unusual number of Bills are submitted for their consideration at this meeting, and I think that the general feeling will be that we should continue with the second readings as soon as possible. I move therefore that Standing Order No. 32 be suspended in order that Council may proceed with the second readings of any of these Bills as soon as may be.

**His Excellency:—**

Standing Order No. 32 suspended accordingly.

THE NATIVE AUTHORITY ORDINANCE, 1933.

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled "An Ordinance to prescribe the powers and duties of Native Authorities" be read a second time.

The provisions of this Bill differ in a number of respects from those of the Native Authority Ordinance which it repeals, but I think that it will be sufficient if I refer to those differences to which I suppose Honourable Members would more particularly wish to have their attention directed. Following the Native

Authority Ordinance this Bill sets out a number of matters with regard to which Native Authorities may issue executive orders. It also confers on Native Authorities the power of enacting subsidiary legislation in the form of rules. These rules, however, will require the sanction of the Governor before they can come into operation.

The range of subjects with regard to which Native Authorities may issue orders under this Bill is wider than in the case of the Native Authority Ordinance. As in the case of that Ordinance the power to make rules is given in general terms, but inasmuch as under this Bill rules may be made with regard to public services, that is to say, for example, the supply of electricity or water, such rules may apply to persons who will not otherwise be subject to the jurisdiction of the Native Authority making the rules.

Clause 12 of the Bill enables a Native Authority to order a person who is subject to its jurisdiction, but who is not a member of the community residing within the area of its authority, to leave that area unless he can provide reasonable proof that his means and legitimate labour are sufficient for the adequate support of himself and his dependents. Against any such Order the Bill gives a right of appeal to a Magistrate's Court. In the absence of such a provision a Native Authority might have to endure the continued presence of a person who was living simply as a parasite on the community.

As Honourable Members will see, the persons over whom Native Authorities will have jurisdiction are persons who are ordinarily subject to the jurisdiction of a Native Court, but under Clause 4, sub-clause (2), the Governor may by Order in Council, with the approval of the Secretary of State, direct that Native Authorities or certain classes of Native Authorities shall have jurisdiction over persons other than persons who are subject to the jurisdiction of a Native Court, or over certain classes of such persons, or the Order in Council may declare that Native Authorities may exercise some of their powers over such persons or classes of such persons. Honourable Members will see that in so far as any Order made under this sub-section relates to the Southern Provinces it will require the approval of the Legislative Council.

As Honourable Members will have seen, there is a corresponding provision in the Native Courts Bill whereby classes of persons who are not subject to the jurisdiction of Native Courts may be brought within that jurisdiction or within a certain part of that jurisdiction. You may have classes of persons who are not subject to the jurisdiction of a Native Authority or a Native Court living in the same community with the people who are, having land allocated to them in the same way, earning their living in the same way, and being generally indistinguishable in their mode of life from such people, and there would appear to be no reason why such persons should not be brought within the jurisdiction of the local Native Authority and the local Native Court; and Honourable Members will, I think, hardly dissent

from the view that it is in the highest interests of the constitutional development of the Protectorate that Government should demonstrate its confidence in Native Authorities and Native Courts by extending their jurisdiction, in so far as by their competence and integrity they show themselves to be worthy of confidence.

**The Hon. the Acting Secretary, Northern Provinces :—**

I beg to second the motion.

**The Hon. Mr. G. Graham Paul (Extraordinary Member) :—**

May I raise one point, Sir, on this Bill. In section 4, sub-clause (1) the Native Authority is directed to perform its obligations, which I take it means to exercise its powers, in regard to any natives residing or being in such area. I think, Sir, that the words "or being in such area" raise rather an important point of principle which ought to be vented on the second reading of this Bill. I can quite understand that with regard to any native—and a native is defined in this Ordinance as "any native of Nigeria who is ordinarily subject to the jurisdiction of a native court"—who is residing within the area of a Native Authority it is quite right and proper that the Native Authority should exercise its powers, but the words "or being in" seem to me to go very much further than that. Any native within the meaning of the Bill who happens to be passing through an area over which there is what the people resident within that area regard as their Native Authority, but what to him may be merely a native foreign body, can be dealt with by that Native Authority in exactly the same way as the person to whom the Native Authority is really and truly a Native Authority and in the same way as a person who has elected to reside in the area of that Native Authority, and I think, Sir, some explanation is due to this Council as to why the purview of that section is so widely extended to what I may call the casual passers by in the area of any Native Authority.

**The Hon. the Member for Calabar (Mr. C. W. Clinton) :—**

Your Excellency, I should like to endorse the sentiments expressed by my learned and honourable friend who has just spoken. I am living in the Protectorate, but like several of my friends here who are West Africans, I am not a native of Nigeria. I endorse the sentiments but I would carry them a little further. I would say that not only is it a dangerous thing that people merely passing through or being in an area should be subject to the Native Authority in the manner upheld by the Bill, but I submit that even for those who are residing in the area, who are living in the community, it would be a dangerous principle to apply this Ordinance to them merely because they happen to be living in the area. It appears that it is contemplated that the new Courts, which have been termed the Protectorate Courts, the High Courts and the Magistrates Courts will have jurisdiction over all Nigeria, and people who are residing in these areas and

who are not purely African can very properly be dealt with by these Courts, but one is afraid that the power now to be extended to the Native Courts and the Native Authorities may be exercised in such a way as to cause great inconvenience to the people who are not really of the area, and I therefore endorse my honourable friend's sentiments that the principle involved is rather questionable.

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

I wish, Sir, to join the protest that has been made against this section. It has been carefully considered by the Lagos Bar, and in the Memorandum that was sent to Your Excellency it was one of the points raised. I am not convinced from the speech of the Honourable Attorney-General to-day on the second reading of the Bill that it is necessary for us to have such a provision in the Bill. I think it is most dangerous to have such a provision and every native like myself will feel that we are most unsafe when we go to such places. I quite realise that under sub-section (2) of section 4 there is a provision which is intended to safeguard the position of such natives but, Sir, I do not think it is necessary to have such a provision at all, and I hope that when this Bill goes to Committee stage Government will lend a listening ear to the point that has been raised on the second reading with regard to this particular section.

His Excellency:—

I think it is in the interests of the Council that I should intervene now and suggest to the three Honourable Members that they have not read the definition of "native" in section 2 of the Bill. A native in section 4, which is the section to which they have drawn attention, means under section 2 "any native of Nigeria who is ordinarily subject to the jurisdiction of a native court." The Honourable the First Lagos Member knows that he is not ordinarily subject to the jurisdiction of a native court and this section has no more to do with him than with me, and the same thing may be said of the Honourable Member for Calabar. It is true that in the Southern Provinces, by a custom of long standing, there are a number of Africans who might be regarded as being subject to the jurisdiction of native courts, but in practice have never been subject to such jurisdiction, as the Honourable Member for Calabar knows. It is the intention of the Government to confirm the present position that anybody who is not now ordinarily subject to the jurisdiction of a native court shall remain not subject to the jurisdiction of a native court.

We had thought of making an Order to that effect under section 3 (4) but we have found it very difficult to frame such an Order. If Honourable Members wish to press for an Order of that kind we will endeavour to frame one, but I give the Council and the people the assurance that anybody not now ordinarily subject to the jurisdiction of a native court will not be made subject to the

jurisdiction of a native court, and Honourable Members must know that under the provisions of section 43 of the Native Courts Bill if there is any question whether a person is subject to such jurisdiction or not he can apply to the High Court for a decision. In view of this I would suggest to the Honourable Members that they have spoken under some misapprehension on this question.

**The Hon. Mr. G. Graham Paul (Extraordinary Member):—**

Arising out of that, Sir, I was aware of the definition of native to which Your Excellency has referred, and I mentioned it when raising this point. The case I had in mind was not the case which my learned and honourable friends on my right referred to, but the case of an Efik native, for example, who might find himself passing through the area of a Yoruba native authority, and in my view a Yoruba native authority from the point of view of the Efik is not a native authority at all. That is the point I wish to emphasise.

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

Arising out of what Your Excellency has said is there any necessity to retain in section 4 sub-section (2) the words "persons other than natives"? It would seem that those words might be deleted subject to the approval of the Council.

**The Hon. the Attorney-General:—**

The words "other than natives" mean other than natives ordinarily subject to the jurisdiction of a native court and they are essential.

**The Hon. the Acting Lieutenant-Governor, Southern Provinces:—**

Although I do not think it a very good thing for an Ibo or Efik native to go into a Yoruba or some of the other Native Administrations, the point raised by the Honourable Mr. Graham Paul will be considered.

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

Your Excellency, with regard to section 12, sub-section (1) and the last three lines of that sub-section reading "but the Court shall not set aside the order unless such person satisfies the Court that his means and legitimate labour are sufficient for the adequate support of himself and his dependents", I observe that the word "shall" has been used there. I think if the phrase were worded "but the Court may after satisfying itself that his means and legitimate labour are sufficient for the adequate support of himself and his dependents set aside the order", it would be better.

**His Excellency :—**

Will the Honourable Member raise that point in Committee.

**The Hon. Mr. G. Graham Paul (Extraordinary Member) :—**

May I ask, Sir, whether the Committee stage will be taken immediately after the second reading of the Bill?

**His Excellency :—**

We are going to read the three principal Bills, and the complementary Bills down to number 19, and then refer them all to a Select Committee.

**The Hon. Mr. G. Graham Paul (Extraordinary Member) :—**

May I say with regard to the point I have raised that I shall move an amendment in Committee, and by that time Your Excellency will have had time to consider it.

*Bill read a second time.*

**The Hon. the Attorney-General :—**

Honourable Members will realise that the first nineteen Bills on the agenda are Bills which are for the most part technical in character, and it is considered that it would facilitate the work of the Council if they were referred to a Select Committee on which legal members of the Council were predominant. I therefore move that this Bill be referred to a Select Committee.

**The Hon. the Acting Secretary, Northern Provinces :—**

I beg to second the motion.

**His Excellency :—**

Bill referred to Select Committee accordingly, and I appoint the Committee as follows: the Attorney-General to preside, the Chief Commissioner, Northern Provinces, the Acting Lieutenant-Governor, Southern Provinces, Mr. E. R. J. Hussey, C.M.G., the Acting Secretary, Northern Provinces, the Senior Resident, Calabar Province, Mr. Graham Paul, the First Lagos Member, the Commercial Member for Lagos, the Member for Calabar, the Third Lagos Member, and the Member for the Rivers Division.

#### THE NATIVE COURTS ORDINANCE, 1933.

**The Hon. the Attorney-General :—**

Sir, I move that a Bill entitled "An Ordinance to make better provision for the administration of justice and the constitution of Native Courts in the Protectorate" be read a second time. I think it will be generally conceded, Sir, that this Bill effects a considerable number of improvements in the provisions of the Native Courts Ordinance, which it repeals. We know that complaints are made that the administration of justice by native

courts is not as competent or as impartial as it should be. I do not think that that complaint is made with regard to native courts in general, but it is made with regard to certain classes of native courts in certain localities, and Government realises that that is a criticism for which it must unremittently endeavour to remove all justification. One obvious course is to exercise the greatest care in the selection of members of native courts; but there is another, and it is to this that some of the more outstanding provisions of this Bill are in some measure directed.

Nothing would be so likely to check irregularities on the part of a native court as its knowledge that the persons who come before it are aware that they have a right of appeal to a competent and honest Court of Appeal. But quite apart from any consideration such as that, it is obviously desirable from every point of view that for every native court there should be a court of appeal, and, further, that that court of appeal should be a suitable court of appeal for that particular native court. A most cursory examination of the provisions of the existing Native Courts Ordinance will show that that is exactly what that Ordinance does not provide. When a native court is constituted under this Bill there will normally be constituted for it, and for other native courts in the same area, a native court of appeal. The principles upon which courts of appeal will be selected for native courts are indicated in very general terms in the statement at the end of the Bill. It is, however, fairly obvious, I think, that for native courts of the first class, that is to say for native courts Grade A, which have the fullest jurisdiction, including the power to try capital cases, the only suitable court of appeal is the High Court. Or again it may be desirable that a native court should have a Magistrate's Court as its court of appeal, or as its court of appeal in certain classes of cases; or again, it may be considered that appeals from a native court should in certain classes of cases go, not to or even through the ordinary native court of appeal, but direct to a final native court of appeal as a native court of appeal presided over by a head chief is designated in the Bill. Again it may be that in a backward area it would not be possible to constitute a native court of appeal worthy of the name, and that in such an area the people, accustomed to regard the District Officer as the one person who can right their wrongs, would not appreciate the distinction between a District Officer and a Magistrate: in such cases the District Officer himself might be the most suitable authority to be constituted as a court of appeal.

Honourable Members will realise that I am only giving these as instances—possibly not the best chosen instances—but as instances to show why it is essential that the Governor should have the wide discretion which is vested in him by this Bill in selecting courts of appeal for native courts. As Honourable Members will see from the rather long clause 27 a native court may have as its court of appeal a Native Court of Appeal, a Final Native Court of Appeal, the High Court, a Magistrate's Court or a District Officer, and furthermore some appeals may

go to one of those courts and other kinds of appeal to another of them. Summarising that clause very briefly the general scheme is this, that appeals from a native court will go to a native court of appeal except in so far as the Governor may by an endorsement on the warrant constituting the native court direct that appeals shall go either to a Final Native Court of Appeal, or to the High Court or to a Magistrate's Court; but in cases where there is no native court of appeal and the Governor makes no such endorsement on the warrant, appeals will go to the District Officer. That is a very brief summary of the general scheme of clause 27.

So far as regards Magistrates' Court, the High Court and District Officers, there is one restriction. Except in so far as the Governor may otherwise direct, appeals will not go to any of those three courts of appeal in cases relating to marriage, guardianship of children, family status, testamentary disposition or the administration of an estate, and the reasons for that restriction are that the law with regard to those matters is peculiarly within the knowledge of native courts, and furthermore, but for that restriction these courts would have more work than they could possibly cope with. Any Honourable Member who may be disposed to criticise the restriction should bear in mind that it is open to the Governor to relax it if he considers it necessary to do so, and further that an ordinary native court of appeal may be designated as a court of appeal for such matters.

Honourable Members will have seen the provisions of the Bill with regard to further appeals. I only propose to refer to one of them. In all cases where there is an appeal from a Native Court to the High Court clause 30 of the Bill gives a further right of appeal to the West African Court of Appeal. It is only intended that the High Court shall be a Court of Appeal for Native Courts of Grade A, and then only in respect of matters falling within that part of the jurisdiction of the Native Court of Grade A which is not within the jurisdiction of a Native Court of Grade B. It will be seen therefore that all cases which are sufficiently important to justify the grant of a right of appeal to the High Court will be sufficiently important to justify a further right of appeal to the West African Court of Appeal. It is not necessary, I think, that I should say anything further with regard to this important subject of appeals from native court, but before I leave it altogether I would emphasise the point which I endeavoured to make when I first referred to it, and that is that this freedom of appeal, and particularly the power vested in the Governor of selecting the most suitable courts of appeal for native courts, is not only of the greatest value from every point of view, but it should do much to check any tendency on the part of native courts to be unmindful of the trust of which Government has appointed them to be the guardians.

There is a further clause in the Bill which may serve the same purpose. I refer to the powers vested in District Officers by clause 25. This clause is based on a section in the existing

Native Courts Ordinance, and it cannot be claimed therefore that it is entirely new. Under that clause a Resident or a District Officer may revise the proceedings of a native court, quash a conviction, may substitute for a sentence imposed by a native court any sentence which seems to him to be more suitable, or may order the case to be retried by the same or by another native court, or he may transfer the whole proceedings to the High Court or to a Magistrate's Court or to some other Native Court.

Quite apart from any system of appeals, it is obviously desirable that as an Administrative Officer moves about his Province he should have the power to rectify immediately any decision of a Native Court which he sees to be erroneous.

There is one other respect in which this Bill provides for the control of native courts: clause 14 of the Bill provides that no sentence of corporal punishment imposed by a native court shall be carried out until it has been confirmed, in the case of a native court of Grade A, by the Emir or other corresponding authority, or in the case of a native court of a grade other than Grade A, by the District Officer; that is to say the sentence is not to be carried out until it has been confirmed by a superior authority. That is a short and simple provision but it should do something to eliminate the possibility of cruelty.

**The Hon. the Acting Secretary, Northern Provinces:—**

I beg to second the motion.

**The Hon. Mr. G. Graham Paul (Extraordinary Member):—**

Your Excellency, this is one of the important Bills forming part of a system of judicial reform for Nigeria, and that system is regarded as of the greatest importance by the Members of this Council. It is a little difficult, in dealing with the second reading of one of the Bills, to restrict oneself entirely to the four corners of that particular Bill, as they are so inter-dependent. I wish, however, in dealing with the Native Courts Bill to avoid the temptation as far as possible of straying from the actual text of that Bill, and I shall raise only the points of principle which have occurred to me in regard to this Bill.

There are number of minor points which the Select Committee will be the proper place to bring up, and the first thing I wish to say now about the Native Courts Bill is more or less what I said at the last meeting but one of this Council, when I pointed out that it was impossible really to say what this Bill meant without more information as to the Government's intentions. Your Excellency agreed, I think, with that view and invited the members of the Bar to meet you and discuss the matter. I was disappointed to find on my return from England that invitation had not been accepted. It seems to me, Sir, that in this Bill as it is framed, this Council is shirking its responsibilities, if it is the duty of this Council to legislate for the administration of justice, and I think it is one of its primary duties, by placing

the responsibility entirely on Your Excellency. I think no one will quarrel with me when I say that as regards appeals from Native Courts if there had been, instead of section 27, a short section to say that it was left entirely to the Governor and his advisers to frame rules governing appeals from native courts that would have been very nearly the same as in fact would be the case if we passed this Bill as it stands. I intended at first to press for some more definition to be given in the appeals sections of this Bill. In view, however, of the explanation given by the Honourable Attorney-General I have come to the conclusion that flexibility in a Bill of this kind is absolutely essential having regard to the varying conditions throughout the country and having regard to the changes which take place from time to time in the elements which have to be considered when dealing with particular native courts. I am therefore prepared to accept this easy way out of dealing with my responsibilities as a member of this Council. But, Sir, I would ask that at as early a date as possible some comprehensive report may be laid on the table of the Council showing in detail as far as possible what steps Your Excellency has taken under these sections. I shall also have to suggest in Select Committee that the warrants—for it is in the warrant of each particular Native Court that the important things are to be found—that the warrants when made shall be published in the Gazette. Subject to that, and the promise of a report, I do not propose to press for any more definition. I should like, however, to ask two questions particularly in regard to the Provinces about which I have some particular knowledge. I refer to Benin, Owerri, Warri, Onitsha, Ogoja and Calabar, and I should like to know if it is the intention to give a right of appeal from all native courts within these Provinces to a Magistrate's Court, and if so, under what qualification as regards classes of cases, and what action if any it is the intention of the Government to take under section 34 in regard to these Provinces. Section 34 reads:

“The Governor may by rule prescribe that an appeal shall  
 “not lie in any specified class of case, whether civil  
 “or criminal, either at all or beyond any specified  
 “court.”

On these two definite questions I would like to have some answer either on the second reading of the Bill or when we come to deal with the matter in Select Committee.

Then, Sir, we come to the same analogous point which I raised on the Native Authority Bill. Section 3, in defining the parties who shall be subject to the jurisdiction of native courts, states that they will be persons who have ordinarily been subject to the jurisdiction of native tribunals, and reside *or are* within the area of jurisdiction of the court. Much the same considerations apply to the words “or are” as I urged on the second reading of the previous Bill, and if the possibility of the Government agreeing to miss out these words can be considered between now and the Select Committee stage, I think it will be in the interests of the people concerned.

I agree with the remarks of the Honourable Attorney-General that in certain areas the native court is not as competent or as impartial as it should be, even where it is a native court in the true sense of the term. If this time I may take an example the other way round, a native of a Yoruba Province passing through an Effik Native Court Area, would thereby become subject to the jurisdiction of an Effik Court which in no real sense of the word would be for him a native court. I do not know whether Your Excellency would be prepared to give this matter your consideration between now and the Select Committee stage. I hope so.

Then, Sir, there is one provision which rather surprises me. In the constitution of native courts there is a provision that a non-native can be a member. I am not quite satisfied as to the reason for the insertion of that provision having regard to the definition, which I take it applies to this Bill of a "non-native" as contained in the Interpretation Ordinance. The provision would appear to mean that someone who is neither a native of Nigeria nor a native foreigner may be a member of a native court. It seems to me that in these days, when we are trying to make native courts really native courts, there is something contradictory in that.

I notice, Sir, in the appeal clause, sub-section (iii) of section 27 a list of "departments of law" we might call them in respect of which it looks as if there is going to be some differentiation as regards appeals. At the foot of page 12 of the Bill the sub-section reads:

"(iii) except in so far as the Governor may by an endorsement on the said warrant otherwise direct, no appeal shall lie to a Magistrate's Court or the High Court or a District Officer from any order or decision of a native court in any matter relating to marriage, family status, guardianship of children, inheritance, testamentary disposition or the administration of an estate."

I do not wish to be misunderstood, Sir, when I say I am uneasy about the appearance in this section of these matters upon which there may be no appeals. There is no distinction as regards these matters in the Protectorate Courts Bill. The High Court and the Magistrate's Court have, with the Native Court, concurrent jurisdiction to deal with these matters, and it seems to me rather dangerous where your native courts constituted on the principles laid down are to be left to determine, without any right of appeal from their decisions, questions of marriage, family status and so on. These Native Courts are "class" Courts and I think there is a grave risk of serious injustice being done to individuals who are not members of the class from which the courts are constituted. I regard that section with uneasiness, although I entirely agree that where information is wanted as to native customs, then the native courts ought to have an opportunity of saying what the native custom is.

I think, Sir, that that exhausts the points of principle which I wished to raise on this Bill and as I have no doubt other members of Council will wish to make other points, I do not wish to take up the time of the Council unduly. But I should like to say a word if I may, Sir, on my attitude—and I would wish all respect recommend this attitude to other unofficial members—in regard to the scheme of which this Bill forms a part. I think there is a good deal to be said against the scheme, but I do regard it as a beginning on better lines than we have been working on up to the present, and my own view is that we ought as far as possible to accept this as a foundation on which this Council will afterwards build. It has been my lot, Sir, very often during the last ten years in this Council, and before that in the Nigerian Council, to find myself opposed to the proposals of the Government and I have felt bound to express my opposition, but I have never considered it to be my duty as an unofficial member to oppose the Government. There always seems to me to be a difference in that respect between the unofficial members of this Council and the Opposition of the House of Commons. A leader of the Opposition in the House of Commons is faced with the consideration and the serious responsibility that if his opposition is successful he has to undertake the Government of the country according to his policy. We unofficial members have no such serious responsibility to restrain us and I think we ought to bear that in mind. I was much impressed by a speech which the British Prime Minister made in Scotland a few months ago, and I would like, Sir, with your permission to read an extract from that speech which I think applies to the duties of unofficial members in this Council and particularly in regard to these Bills. It not only deals with the duties of unofficial members but suggests the spirit in which criticism of unofficial members should be received by Your Excellency's Government. Mr. Ramsay Macdonald said: "Somebody said that the duty of an Opposition is to oppose. I have no use for that doctrine and have denounced it again and again. Its duty is to criticise, to hold up both sides of a proposition. One party sees one side of the game and another party sees another side and true wisdom, justice and safety depend upon how both sides' views are embodied in the legislation which is ultimately passed."

However true that may be about the House of Commons, I am satisfied that it is absolutely true about the criticism of unofficial members in this Council and about the attitude which the Government ought to adopt towards these measures.

**The Hon. the Member for Calabar (Mr. C. W. Clinton):—**

Your Excellency and Honourable Members. As this is one of the Bills assigned to the Select Committee I do not think it will be necessary for me to address this House at length. It is my desire simply to show where it is that members of the community here so far as I know their views may not agree to certain portions and certain principles of the Bill. I may say that it was I think two years ago that I brought a motion in this House, which I

then endeavoured to press very strongly and sternly upon members regarding the necessity of amending the Native Courts Ordinance by way of including in the provisions one for appeals from decisions of native courts. Notwithstanding my efforts at that time, the motion, after a long discussion, was thrown out. I was very discouraged I must say, and I am very encouraged now to see that some effort is being made to meet in a way what I asked for at that time. I think whatever may be the faults of the Bill we have to be very thankful to the present administration that the matter is being taken into consideration and that efforts are being made to improve the position as regards native courts. I desire on behalf of my constituents to thank Your Excellency and the administration generally for putting on the table this Bill which amends the Native Courts Ordinance and considerably extends it. I must say that I endorse the views expressed by my learned friend who has just spoken that there is still very much left to be desired in the general trend of the Bill. I must comment also as he has done on the wide powers which are to be vested in and exercised by His Excellency the Governor. We have the greatest faith in His Excellency, and we are quite sure that while he remains our Governor he will exercise those powers very much to our approval. I do not think he will exercise them arbitrarily without considering our desires and wishes, but those powers will still remain vested in any other Governor who may come here and who may not entertain the broad views and sympathetic sentiments which have moved Your Excellency to introduce this Bill.

Those powers leave us very much in the dark as to the nature of the Courts to be constituted, the nature of the powers left to the Courts, the nature of the cases with which they are to deal, and so on, and I think that when we go into Select Committee, one of the points which we will have to impress on the Committee is that those sections giving the Governor those powers may be carefully looked into and if possible more definitely explained so that we may know clearly what we are to expect. Those powers are to be exercised for instance in the event of appeals from native court decisions. As the Honourable Attorney-General has said, the appeals sections do not adopt a simple course. One had to read them over and over again in order to grasp the various machinery to be set up for the purpose of dealing with cases under the Native Courts Bill. In years gone by when I first came into the Protectorate there was a very simple process of appeals from the native court: appeals of all kinds went straight to the High Court. On application to the High Court within a reasonable time anyone could come into the Court with an appeal from a native court decision, and in the ordinary course the High Court would attend to him with, I believe, satisfaction to the parties concerned. Here, however, in this Bill we are left very much in the dark as to what form of appeal we really have. That is as regards appeals.

I also desire to endorse that portion of the criticism of my Honourable friend concerning marriage cases dealt with by the native court, and testamentary disposition. The Honourable

Attorney-General has said that that provision was put in for the reason that the natives of the country know best the laws with respect to those matters. I think that remark would apply to all parts of the world, to the natives in England and Scotland, for instance, who also know their own laws best, but that does not mean that any native of those parts of the country who has no knowledge of legal matters, or who has not been trained in these particular matters would not be able to take his case further if he wished, and I think it is a very dangerous matter to allow these cases to remain without appeal to what I term the "British Courts" because the British Courts certainly have a keener sense of justice than any native court could have and I am afraid that if that section is left in the Bill much injustice will be done.

Another section of the Bill to which I wish to draw attention is section 25. I certainly was hoping that in view of section 27 and in view of the fact that we have all the different sources of appeal from native courts that there would be no reason at all to retain the powers given to executive officers to interfere in native court cases. Here these powers are very wide indeed. If I remember rightly when His Excellency some time ago gave us some indication of what changes there were to be he said that one of the principles upon which these changes were sought to be made was to divorce as much as possible the executive from the judicial. Now I submit, Sir, that this section does not carry out that idea. On the other hand it invests the executive with a good deal of power to interfere in judicial matters. This is one of the sections which I propose to draw attention to in Select Committee.

Dealing with that particular matter of the divorce of the executive from the judiciary, there is a section which gives Your Excellency the power to appoint District Officers as Presidents of native courts. Section 23 reads:—

"The District Officer shall sit as President of such Native Courts as the Governor may by Order prescribe whenever any such Native Court hears any suit relating to the ownership, occupation or possession of lands, and may sit as adviser in any native court in his Division."

I may say, Sir, that that section gives unnecessary powers to executive officers to control judicial matters.

Another section which I might mention is section 21 which reads as follows:—

"No legal practitioner may appear or act for or assist any party before a native court; but a native court may permit the husband, or wife, or guardian, or any servant, or the master, or any inmate of the household of any plaintiff or defendant, who shall give satisfactory proof that he or she has authority in that behalf, or an agent, being a native, of a person administering the estate of a native who was subject to the jurisdiction of a native court, to appear for such plaintiff or defendant."

It is not so much appearing in the native court that I would refer to, but it seems that that provision is extended also to appeals from native courts. That perhaps applies more to sections in the Protectorate Courts Ordinance than to this particular section, but I feel that those three words "being a native" are rather dangerous because you would have natives giving letter writers powers to go into the native courts and act there as lawyers. I submit that would be a very dangerous precedent.

Finally going back to the appeals sections I would draw attention to section 32:—

"The order or decision of a Final Native Court of Appeal under section 27 (1) or (2), of the Governor under section 28 (3) and of the High Court under section 27 (3) or 29 shall be final and conclusive."

I cannot say that I quite grasp the meaning of that when we have a section under which there is a possibility of appeals going to the West African Court of Appeal. If there is finality in the High Court I think those two sections must be contradictory. The Bill indicates that appeals can go to the West African Court of Appeal, and the Honourable Attorney-General has intimated that there will be some appeals which will get so far, but I do not see how that can be if there is finality in the High Court. I think that is also a point which might be dealt with in Select Committee.

It would also appear, Sir, that there will be no appeals in Southern Nigeria to the High Court, if it is correct that in Southern Nigeria there are no Courts of Grade A. I think that is so so far as the Courts are constituted at present. All Grade A courts are in Northern Nigeria and in the South the Courts come under either Grade B, C, or D, so that if appeals to the High Court are solely from Native Courts, Grade A, I do not see how the people in the Southern Provinces have any redress. These are a few of the points with which I expect to be able to deal in Select Committee.

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

I should like to say, Sir, with regard to what the Honourable Mr. Graham Paul has stated in regard to the invitation of Your Excellency to members of the Bar that there must have been a misunderstanding. Certain suggestions and amendments were made by a Committee under the Chairmanship of Sir William Geary and I remember that certain members of the Committee were appointed to meet Your Excellency. The impression that I gathered at the time was that an appointment would not be desired. I only heard for the first time from Mr. Graham Paul last week that that was not so. Be that as it may the Bar is much indebted, and the people of Nigeria in general, for the little concession that is being made in the draft Bill. It was nineteen years ago when the Bill which is now described as an obnoxious measure was passed in the Council, but I do not think that the

noble lord who was responsible for that Bill could ever have intended a measure for the castigation of the people, but he did in my opinion what he thought then was in the best interests of the people.

Today we find that that Ordinance is no longer useful and there is a cry for reform. This is not the time or place to go into details as to what reforms may be necessary but we do not want in another nineteen years to come somebody standing in this Council to say that the foundation which this present Council is about to lay was unsuitable. I agree with the Honourable Mr. Graham Paul when he said that everybody should approach these Bills with open minds and in a serious endeavour to put down something for the future amelioration of the people of Nigeria. There is abundant matter for protracted discussion, but I think that discussion should be left to the Select Committee. Most of the provisions in these Bills I can entirely approve of, but I cannot see why in the Protectorate Courts Bill appeals in land cases have been left only to those who can boast of land exceeding £200 in value, and why they are not allowed to poorer people whose lands are valued at £150 or even less. That is a point which the Select Committee should consider. Appeals should not be denied to the poorer persons. If it is suggested that for the purpose of taxation these lands should be valued, the machinery is in the hands of Government to assess each piece of land in whatever area it is situated.

These three Bills are interdependent and we are now discussing the Native Courts Bill, but the appeals sections in the Protectorate Courts Bill seem to me to be of the utmost importance in connection with the other Bills. The Protectorate Courts Bill is the gem of the reforms. I do not wish to waste the time of the Council, but I hope the whole House, and, when these Bills are discussed in Committee, the members of the Committee especially, will take into consideration the advice which was read by Mr. Graham Paul in the words of the Prime Minister.

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

Your Excellency, it is rather unusual for so many lawyers to get up and speak on the same side. The more usual procedure is to speak against each other, but we are not here in opposition today and I should like to say a few words after the very exhaustive speeches of my honourable and learned friends. I think we are all very much agreed as to the principles of this Bill that it makes a distinct advance on the previous Ordinance. Personally I have never been a very great believer in the Native Courts system but I have come to realise that we have got to do with them so far as Nigeria is concerned at any rate for the present, and if we must have them I say that the Bill before the House at present is a distinct advance upon what we have today.

Many points have been raised which I consider could more properly have been dealt with in Select Committee, but personally I should have liked to see capital offences removed from the

purview of the Bill. I do not think that a native court is the best court to deal with capital offences, in fact there are many reasons why they should not deal with them, and if it is still possible I would ask Government to consider whether such grave offences could not be tried by a competent court where the accused could have the benefit of experienced judges, and would be allowed to engage counsel.

The other point which I should like to mention has already been referred to, and that is section 34 of this Bill which reads:—

“ The Governor may by rule prescribe that an appeal shall  
 “ not lie in any specified class of case, whether civil  
 “ or criminal, either at all or beyond any specified  
 “ court.”

Personally, Sir, I would prefer that the class of case should be defined in the rules. I have no doubt that the power given to the Governor will be properly used but the people would be more satisfied if they knew the class of case for which they could have no appeal and the limit up to which they could go. This is all I wish to say on the second reading of the Bill but there are other points I wish to raise when the Bill is in Select Committee.

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

I do not know exactly the Honourable Members who are to form the Select Committee, Your Excellency, and I feel therefore that I should say a few words on this Bill particularly as I represent the Rivers Division where it is likely to operate. My conception as a nominated member of this House is not to oppose blindly but to advise Government upon certain facts which we are in possession of and they are not likely to be in possession of. Looking round this House I can see three of the members of the Aba Commission of Inquiry which sat at various places three years ago, and I happen to have been one of the Counsel at the time. It will be remembered that one of the grievances brought forward very forcibly by the women at that Inquiry was the question of the dowry system. Now in this Ordinance I observe that a provision has been included that no appeals would lie from questions of marriage. Marriage as it is understood in the English law, Sir, is quite a different thing from marriage under native law and custom. It is in my opinion a conflict. You have in the Provinces today many Christianised natives: what would be the position if A and B who are Christian are married and an action is subsequently brought in the Native Court for divorce and the Judge says: “ Yes, I divorce you, and you cannot appeal ”?

The next point, Sir, is the question of dowry. If the Chiefs of the Native Court happen to know—and I am saying this with all deference to learned members on the other side of the House who have been labouring among the natives for many years—if the chiefs happen to know that the decision they give in a dowry case is final, injustice might sometimes be done. The Native Court Bill

as it stands I might describe as a glorious Bill. It is a great improvement, but we must not forget that before 1914 we had a better Ordinance in Nigeria. Before 1914, and before the advent of the existing Provincial and Native Courts, appeals would go straight from a native court to the Supreme Court.

With regard to land cases, this is a question which has already been discussed, but it is one on which I feel I must say something, and that is that when the Native Courts Bills were enacted in 1914 there was a section included limiting the jurisdiction of native courts as regards land cases. In 1928 by an Order in Council we find that the native courts whose jurisdiction in civil cases was only £25 or £50, could adjudicate in land questions irrespective of the value of the area. Again in this Bill where the jurisdiction in certain grades of native court is only up to £50 in civil matters, they will be able to adjudicate upon land worth about £500. The question of area is not defined.

The next point, Sir, is that provision has been made for appeals from native courts to the High Court of the Protectorate, and from the High Court of the Protectorate to the West African Court of Appeal, but we find in the Ordinance that where an appeal goes from a Native Court to the Protectorate Court counsel is not allowed to appear, but when the matter goes to the Appellate Court, counsel may appear. What would be the effect of that? It would mean that counsel could not appear in the Protectorate Court in an appeal concerning land valued, say, £180, but when the appeal goes to the Appellate Court counsel may automatically appear, and perhaps the whole efforts of the Native Court and the Protectorate Court would be wasted for the case might be sent down for rehearing.

As regards land cases we all know that ninety *per cent.* of the chiefs who preside over the native courts do not read plans. Land cases today will have to be adjudicated by them: the cases will have to go on appeal to the High Court and from there to the West African Court of Appeal. You can imagine the difficulty. I take it that the object is to put a stop as much as possible to the numerous land cases which have become a recurring decimal in the Protectorate. They come up almost every five years and many of us who have been practising in the Provinces observe that when many of these cases come up the particular piece of land in dispute has already been adjudicated upon; we could only tell that from the plan.

As I have said, Sir, I am not sure of the names of the Honourable Members who are to form the Select Committee but I put forward these suggestions in the hope that when they do go to Committee they will be considered.

His Excellency:—

As I shall not myself be in Committee I will deal here, I think to the profit of the discussion, with one or two questions of principle that have been raised in this Bill. In the first instance I must

allude to what has been said by the Honourable Member for the Egba Division that my invitation to the Bar to meet them to discuss these Bills was not consummated because it was understood that although I had said I would be glad to see them I eventually intimated when the time came that I did not want to see them. These are not the facts of the case. I received some very interesting and very valuable suggestions from a Committee of the Bar in Lagos and from another Committee elsewhere with which the Honourable Attorney-General and I dealt, and which for the greater part are embodied in the revised Bills. It was then proposed that a deputation should see me and at the last moment I was told that the deputation could not come.

In regard to what the Honourable Mr. Graham Paul has said I will give a pledge that we will publish in the Gazette the jurisdiction—not the Warrant because it would be tedious to publish every Warrant—but we will publish the jurisdiction of every Court and the avenues of appeal in each Native Court.

The Honourable Member dealt with Section 34 and raised a point of principle there as to what the intention of the Governor was with regard to exercising the power which would be given him to prescribe that an appeal should not lie in any special class of cases. That is merely a safeguard to be used if necessary: I have no intention at present of making any Order under it. The first print of the Bill gave the Governor power to prescribe that in frivolous cases there should be no appeal. This is an amended wording of the clause because I did not like the idea of using the term "frivolous cases". They might appear frivolous to some of us and not to others.

A somewhat cognate point was raised by the Honourable Member in regard to section 27 (1), sub-section (iii) that in dowry and inheritance cases there should not be any appeal except in so far as the Governor may by an endorsement on the warrant direct. The great majority of those cases are of a very petty nature and it would be impossible, we think, to take all of them to appeal. It would congest the courts to such an extent that they would cease to function, and therefore power is taken for the Governor, as the working of the Courts is observed, to prescribe what petty cases may not go and what major cases shall go to appeal in this particular class of cases. In dealing with the whole question of appeals from Native Courts to the High Courts and the Magistrates' Courts I would ask Honourable Members to keep this very vividly before their minds: that quite apart from appeals there is power in the bill—which will be exercised—under section 27 whereby a District Officer or a Resident can transfer any complicated case—whether a land case or any other case—and general instructions will be issued in the Southern Provinces that if there is a complicated case, land or otherwise, in the Native Court it shall be transferred to a Magistrate's Court or to the High Court. There is that general power there which will be exercised.

The Honourable Member for Calabar and the Honourable Member for the Rivers Division both raised the same question with regard to the old system, the old system of the Southern Nigeria Native Courts with an appeal to the Supreme Courts. As I attempted to describe in my Address to the Legislative Council in March last the so-called native courts up to 1914 were not native courts at all: they were mixed courts on which Europeans sat and the appeal then was to the Supreme Court from those mixed courts. In principle I would have no objection to the same system but the courts have grown to such an extent that where there was one mixed court there are now probably fifty native courts. The system has grown so enormously that it would be quite impossible for every native court case to go to the Supreme Court unless we had about four times the number of Supreme Court and High Court judges as we can afford to have.

I regard these measures, as many Honourable Members do, as a step: that is why they have been made by me as flexible as possible in order that the system may be broadened, and in five or six years time the Government may be able to prescribe in the law matters now left to the discretion of the Governor. That I hope will be the natural outcome constitutionally of the steps we are taking now if we pass these Bills.

I will refer now to one other point of principle raised by my honourable and learned friend, the First Lagos Member, that regarding capital cases. It is impossible now to take away from certain Native Administrations in the Northern Provinces the power of dealing with capital cases which has resided in their hands for over thirty years. There is no intention of extending the system. In my opinion it has been extended further than it ought to have been, and indeed on the advice of my honourable friend, the Chief Commissioner of the Northern Provinces, it will be withdrawn in some of the lesser Emirates. In the other Emirates, however, it is quite impossible to withdraw this power which they have exercised with the full consent of the Government for over thirty years.

The Hon. the Attorney-General:—

I move, Sir, that the Bill now be referred to the Select Committee.

The Hon. the Acting Secretary, Northern Provinces:—

I beg to second the motion.

His Excellency:—

Bill referred accordingly.

*Council adjourned at 12.30 p.m.*

*Council resumed at 3 p.m.*

## THE PROTECTORATE COURTS ORDINANCE, 1933.

The Hon. the Attorney-General:—

Sir, I move that a Bill entitled "An Ordinance to make better provision for the administration of justice and to constitute new Courts in the Protectorate" be read a second time. Even if there were no statement at the end of the Bill, no Honourable Member who had undertaken a comparison of the provisions of this Bill with those of the Provincial Courts Ordinance which it repeals would have proceeded very far without appreciating that the essential purpose of the Bill is to effect, so far as our resources will allow, that cleavage between the judiciary and the executive without which, in the opinion at least of most of us, the constitution of no country can be regarded as satisfactory.

In section 5 of the Provincial Courts Ordinance we read:

"Each Provincial Court shall consist of:—

"(1) The Resident in charge of the province in which  
"the court is situated;

"(2) Residents appointed to the said province but  
"not in charge thereof;

"(3) All District Officers and Assistant District  
"Officers appointed to the said province . . ."

In clause 4 of the Bill we read:

"The High Court of the Protectorate shall consist of a  
"Chief Judge, Judges and Assistant Judges. . . .";

And there you have at once the difference between the idea which animates this Bill and the system which it is designed to bring substantially to an end. I say bring "substantially" to an end because, although the High Court is to consist of judges, clause 4, sub-clause (5), empowers the Governor, on the application of the Chief Judge, to appoint a Resident to have the powers of a Judge with regard to any particular cause, and because notwithstanding that the whole of the Protectorate is to be carved up into areas in each of which there will be a Magistrate's Court and magistrates will be appointed, the Governor is empowered under clause 7, sub-clause (4), of this Bill to confer upon a District Officer the powers of a magistrate with regard to any particular area for which no magistrate is available. These powers will not be exercised except in so far as it is necessary to exercise them. But inasmuch as they are there and may be exercised, the separation between the judiciary and the executive is not absolute and complete. I think, however that the Council will agree, on a fair consideration of the Bill, that it firmly establishes the principle of separation, and that it goes as far as financial consideration will allow to giving effect to that principle. The value of the principle consists not only in ensuring that judicial matters shall be considered judicially and free from any executive bias, but its adoption will mean that the judicial work of the Protectorate will be done more efficiently. When I say that I would not be considered as reflecting on the judicial work

which has been done by Administrative Officers as members of the Provincial Courts. I have, during the four years I have been in Nigeria, seen a good deal of that work and I have often felt how well, on the whole, and sometimes how admirably, it was done, having regard to the great mass of other duties which Administrative Officers are called upon to discharge. But the work of a specialist is always better done. It must be so, and I anticipate that one effect of this Bill will be to raise the quality of the judicial work throughout the whole of the Protectorate.

So far as regards the general scheme of the Bill I need not detain the Council long. The Bill provides for the establishment of a High Court consisting of the Chief Justice of the Supreme Court as its Chief Judge and of the Puisne Judges of the Supreme Court and other Judges and Assistant Judges to be appointed by the Governor. As I have already indicated, the whole of the Protectorate is to be divided up into areas in each of which there will be a Magistrate's Court, and magistrates will be appointed, power being reserved to the Governor to invest a District Officer with the powers of a magistrate for any area for which no magistrate is available. These then are the Courts, the High Court and the Magistrates' Courts, for the establishment of which this Bill provides.

I propose now to say something with regard to the jurisdiction which this Bill vests in these courts. The general principle is that the High Court will have in the Protectorate just that jurisdiction which the Supreme Court has in the Colony, that is to say the most complete jurisdiction which can be conferred upon any court of first instance. But to that principle Honourable Members will see, if they turn to clause 9, the Bill makes certain exceptions, and I will now refer to those exceptions and say a word or two in justification of them.

The High Court will not have jurisdiction in matrimonial, probate and Admiralty causes, nor will it have jurisdiction in matters arising under those Ordinances which are specified in the First Schedule to the Bill. All of that jurisdiction is for the present assigned to the Supreme Court. There is one general reason for nearly all of these exceptions, and it is that nearly all of these items of jurisdiction, if I may so put it, involve a knowledge of special branches of the law which may give rise to questions of considerable difficulty, and it is considered that for the present they should be assigned to the Supreme Court, that is to say, to those judicial officers who by reason of their long experience will be the most competent to deal with them.

There is a further exception. The High Court is not, except in so far as the Governor may by Order otherwise direct, to exercise original jurisdiction in land cases which are within the jurisdiction of a native court, that is to say in land cases in which the parties are persons who are subject to the jurisdiction of a native court. In the view of the Government that exception may be justified by two or three considerations. In the first place the resources of Nigeria would not allow of more than a

part of its litigation being dealt with in the High Court and the Magistrates' Courts. Furthermore, a progressive policy, a really progressive policy, requires that Native Courts should be entrusted with as much jurisdiction as they are competent to assume. Moreover with the scheme of appeals for which the Native Courts Bill provides there will be no reason why any person who has had a case tried in a Native Court should acquiesce in a decision which he believes to be unjust.

While on the subject of the jurisdiction of the High Court I would invite the attention of the Council to clause 19, which will allow of the introduction in the Protectorate of trial by jury in criminal cases, and of the extension of that mode of trial as extension becomes increasingly possible. The clause empowers the Governor by Order in Council to direct that such offences as may be specified in the Order in Council shall be tried with a jury. The clause will also allow of cases which are not triable by jury being tried by a judge sitting with assessors. So far as regards the jurisdiction of the Magistrates' Courts in civil cases, magistrates will have jurisdiction up to £50, exclusive generally of land cases, those cases being assigned to native courts and the High Court. With regard to criminal cases, Magistrates' Courts are empowered by the Bill to deal summarily with all cases which can be adequately dealt with by a fine not exceeding £50, or imprisonment for a term not exceeding six months; and of course Magistrates' Courts are given jurisdiction to hold preliminary investigations in those cases which are beyond their summary jurisdiction. The High Court and the Magistrates' Courts will have a considerable appellate jurisdiction. The High Court will hear appeals from Magistrates' Courts in civil and criminal cases, and both the High Court and the Magistrates' Courts may be designated as Courts of Appeal for Native Courts; but with regard to that jurisdiction I have already said something when moving the second reading of the Native Courts Bill.

There is one other important power which this Bill vests in the High Court and in Magistrates' Courts, and that is the power of transferring cases. The Bill will allow of a case brought before the High Court or a Magistrate's Court being transferred to a Native Court, assuming of course that the case is one which is within the jurisdiction of the Native Court. In that connexion I would say—and I am not quite sure if it is generally understood—that the High Court and the Magistrates' Courts are courts to which any case within the jurisdiction of the court may be brought, whether the parties to it are non-natives, natives, or persons who are subject to the jurisdiction of a native court, and it is quite immaterial that the case is also one which is also within the jurisdiction of a native court. But it is obvious that if access to the High Court—I will take the High Court just as an example, but what I have to say applies equally in the case of a Magistrate's Court—if access to the High Court is to be given so universally, that Court, if it is not to be overwhelmed and if native courts are to assume their proper place in the

judicial system of the Protectorate, must have the power of transferring cases which are within the jurisdiction of a native court, that is to say to a native court which the High Court believes to be competent to try the case.

Closely connected with the jurisdiction of the High Court and the Magistrates' Courts there is the provision prohibiting legal practitioners from appearing in appeals from native courts except in land cases where the value of the property in dispute is £200 or upwards and a High Court judge consents to the legal practitioner appearing. The parties to such an appeal will be persons who are subject to the jurisdiction of native courts, that is to say, speaking generally, they will be persons of limited means. It is the desire of Government that the High Court (and here again what I say with regard to the High Court applies at least equally in the case of a Magistrate's Court) shall be a Court to which persons of this class who feel that a case has been unjustly decided against them in a native court may freely go. It is the intention of Government that the procedure of the High Court shall be of the simplest possible description, and that the judges of the High Court shall proceed without any avoidable delay to places where they are wanted, that is to say to places where cases are awaiting trial. But that alone is not sufficient. It is the intention of Government that the High Court shall be a court really accessible to people of this description is to be realised, it is essential that such people should feel that they have an inexpensive appeal open to them, and that they can appeal without incurring the expense—often the considerable expense—incident to the engagement of a legal practitioner, and that even if the appeal goes against them there will not be added to that disappointment the loss of a considerable sum of money which may cripple them for the rest of their lives.

This Bill was published in its original form several months ago, and Government then invited and received suggestions with a view to the improvement of the Bill, and recently it was published in the form in which it is now introduced. Government is indebted to those legal practitioners and others who responded to that invitation for suggestions, and for the close consideration which they have obviously given to the provisions of the Bill, and for the care—in certain cases, the great care—with which their proposals and their arguments were drafted, and the Government's sense of its obligation to those legal practitioners and others is none the less, if, in weighing the arguments for and against their proposals Government, having before it what it believes to be the interests of the people of the Protectorate as a whole, has found it necessary to reject some of those proposals.

The Hon. Mr. G. Graham Paul (Extraordinary Member):—

Your Excellency, I have very little to say on the second reading of this Bill. I am more concerned with a number of details which I will bring forward in Select Committee, but I do not believe I would be doing my duty as a member of this Council

if I did not express at this stage my regret that it has been found necessary to introduce a High Court in place of the Provincial Court. Your Excellency has already indicated in a speech delivered some time ago to this Council that the possibility of dealing with the situation by extending the Supreme Court system had been considered and rejected for three reasons which Your Excellency gave. I have given the most careful consideration to those three reasons and I regret that I cannot confess that I am convinced by all or by any of them. The first reason given was that it was usual in a British Protectorate that the Supreme Court of Record should be described as a High Court, the title of Supreme Court being reserved for the Colonies. To my mind, Sir, the distinction which exists between a Colony and a Protectorate as regards the policy to be adopted by Government in dealing with the natives either of a Colony or a Protectorate is so slight as to be almost academic, and I think there can be no suggestion that in a matter of the administration of justice there is in any way a difference or a distinction to be drawn between the natives of a Colony, Protectorate, and, we must not forget, a Mandated Territory.

If it were necessary to say any more with regard to that first reason, it would be sufficient to point out that so far as Nigerian history goes we have had the Supreme Court throughout the Protectorate, and it has in fact as well as in the letter been the Supreme Court in the past, and curiously enough it is in certain matters, and in these only, to remain the Supreme Court in the Protectorate and in the Mandated Territory, so that I submit there is no cogency in the suggestion that it is impossible to have a Supreme Court functioning in a Protectorate. I agree with Your Excellency that it does not matter what you call a court: you can call it a Supreme Court, or a High Court, or a Star Chamber, it does not really matter, but what does matter is the manner in which it functions. It seems to me that the introduction of the High Court with its concurrent jurisdiction with native courts is going to cause a great deal of confusion. I shall deal with that question of concurrent jurisdiction in a moment.

Then, Sir, it is suggested that the High Court is necessary and not the Supreme Court because it is essential to have a simpler form of procedure than the Supreme Court as now constituted has. I do not know whether Your Excellency has read the Rules of the Supreme Court as in force at present? They are a relic, they are archaic, and they have never been modified and clarified as it was originally intended that they should be. In this Bill setting up the High Court there is a section importing the Rules of Procedure of the Provincial Courts. These Rules are not quite as extensive as the Supreme Court Rules which exist to-day, but they occupy a good many pages of the Civil Manual, and part of the reason why they do not extend to the length of the Supreme Court Rules is that they necessarily contain none of the Rules dealing with legal practitioners. If you cut out the part dealing with legal practitioners, it will be found that the Rules of the Supreme Court are not so very much longer than

the Rules of the Provincial Courts. In practice, although the Provincial Court is meant to be a simpler Court, it is found that the Rules are inadequate, the forms provided are inadequate—Supreme Court forms are used in the Provincial Courts simply by altering the words "Supreme Court"—and if there is any suggestion that just because of the Rules of the Supreme Court not being very simple therefore you must have another Court, I say that is wrong. If, however, the Rules of the Court, which has to be the Supreme Court of this country, require alteration, do not let us have the complication of a third court.

The third reason given by Your Excellency was that the state and panoply of the Supreme Court was considered not altogether suitable in the somewhat primitive areas where the Executive officers as a rule go about their business in a somewhat humbler garb and style more familiar to the people. I take it, Sir, that that means that a Supreme Court Judge wears his wig and gown, and has perhaps a Guard of Honour: I can think of no other item of state and panoply which differs from the procedure of a Provincial Court. I do not think, Sir, that any great weight need be attached to that. Quite recently I discussed the question of that sort of panoply with a recently retired Judge of the India High Court—he retired about two years ago—and he told me that there the Judges, who are certainly of the calibre of the Judges of the Supreme Court of Nigeria, do not wear wigs and gowns, and that a Chief Justice appointed subsequently to the retirement of this Judge who had tried to introduce the practice had met with very little success. I think, Sir, that a matter of that kind might well have been left to the good sense of the Judges of the Supreme Court. I feel, Sir, that the real obstacle, and I am now going to express what I have felt for a very long time, the real obstacle in the way of extending the Supreme Court to deal with the whole of Nigeria has been the unfortunate—I will not say antagonism—but the unfortunate lack of sympathy and co-operation between the Supreme Court and the officers in charge of the Administrative Service. I have seen that antagonism or lack of sympathy over many years, and I have seen that it has militated against what I call a proper co-operation between the Supreme Court and the Administrative Service. It seems to me that if, prior to 1914, the Supreme Court and the Administrative Service had been more co-operative in their efforts, all land cases would have been referred under Supreme Court Rules to the Administrative Officers to investigate and report on and the Supreme Court would have had the benefit—I use the word "benefit" very advisably—of their experience and advice in regard to the evidence which they had collected in any particular case.

I would say, Sir, that I welcome the principle of this Bill which separates the Executive from the Judicial, but I think it would be a calamity if the experience and the knowledge of the Administrative Officers who are in close touch with the people of the country were not to be forthcoming when required to assist in judicial investigations of important cases.

There is just one more thing I wish to say on the principles of this Bill and that is with regard to concurrent jurisdiction, and I think something will have to be done to alter the Native Courts Bill in that respect. At the present moment under these Bills we have over the whole of the Protectorate, and in a large number of branches of the law, concurrent jurisdiction in the High Court, the Magistrates' Courts, and the Native Courts. Now, Sir, you have the extraordinary position that if there is any native in the Protectorate with a claim against another he can bring his claim if he likes in the Native Court, or in the High Court, and if there is a cross action, the defendant can bring an action against him in the other Court if he likes and there is nothing in this Bill to prevent the High Court and the Native Court competing with each other as to who is to give a judgment first. If the Native Court gets its judgment in first it is *res judicata* as far as the High Court is concerned, and if the High Court gets its judgment in first it is *res judicata* as far as the Native Court is concerned.

It seems to me that something will have to be done then if there is a case in the High Court and a case between the same parties in the Native Court. Either both cases should be taken in the Native Court or the whole proceedings transferred to the High Court in order that there should not be hopeless confusion in the proceedings of the courts. That, Sir, is a principle which I believe to be of some importance.

As regards any other matters I have to bring up I will deal with them in Committee.

The Hon. the Member for Calabar (Mr. C. W. Clinton):—

Your Excellency, I am afraid I will have to repeat myself a great deal in connexion with this Bill and my remarks on the Native Courts Bill this morning. I agree that the introduction of this Bill is a great advance on the present position. From the very beginning, as far back as 1914 when the Provincial Courts Bill was introduced in this country we all, and when I say "we all" I mean all the members of the community so far as I know and all the members of my profession, thought at the time that it was a great calamity to the country. Protests have been made by all sections of the community during all the years that these Ordinances have been working, and now we have this measure before us proposing to do away with Provincial Courts, and I think we can congratulate ourselves. In doing away with these courts, however, and introducing new courts I think we have to be careful to see that we are introducing courts that will do their work properly, courts that will be a real and proper substitute for Provincial Courts. I quite agree with my honourable and learned friend who has just spoken that it would be a great help—it very often is a great help—to the judges who are to sit in the new courts to have the opinion of members of the Executive. Very often it is advisable that members of the Executive should see the native, and, if it is a land case, should

inspect the land. But I say it is a great mistake to leave the conduct of cases in the hands of the Executive altogether, because they cannot fail to be influenced by the executive position in their respective districts. They cannot fail to be influenced by their surroundings, and I humbly submit that in many cases it will be impossible for them to be fair.

We now have Bills which do away with the Provincial Courts but they do not give us the Supreme Court as we had before. They give us British courts, but what I have always been asking is why should we have two kinds of British court in the Protectorate? I cannot understand why there should be any necessity for two different kinds of British court exercising influence in the same area when one Court should be able to do the work. With all due respect to the honourable and learned Attorney-General who has given us reasons for these two different kinds of Court I must say that his reasons have not convinced me.

It would appear that one of the reasons why the Supreme Court is not to exercise jurisdiction in all matters is on account of expense, but I do not understand this argument, and I should have thought it would be the other way about. It would save expense. It appears that on account of the present depression in the country the functions of both these courts will have to be performed by the same personnel. If that is so, then we shall have this peculiar position: in the case of a man who wants a divorce or in the case of probate, a Judge sitting at Calabar will come to the Court Hall and act as a Judge of the Supreme Court, and all his staff will be members of the Supreme Court. But the moment he has disposed of that case and he wants to deal with a criminal case, he immediately changes his status and becomes a Judge of the High Court. I would say that that is quite unnecessary. Why should he not continue to be a Judge of the Supreme Court dealing with both kinds of cases? That is a point I have not yet been able to fathom. My honourable and learned friend, Mr. Graham Paul, has referred to the panoply of the judges of the Supreme Court. I have seen other Courts working which appeared to be serious Courts and quite as important in all respects as the courts in this country, but the judges and members of the Bar wore no wigs and gowns. They were, however, quite impressive. If a Supreme Court judge sitting at Calabar, for instance, has to try a case in his wig and gown and at the end of the case has to get up and run into the robing room and appear in a few moments without his wig and gown and try a case as a judge of the High Court, I think it would be a peculiar position indeed.

As regards another reason given why there should be two kinds of court, that there are too many cases for the Supreme Court to deal with, I do not see why that should make any difference. In years gone by when I first came to this country there were not so many cases. If there is any complaint about the multiplicity of cases I say that it is due to the multiplicity of native courts that are being set up in the country. It has been said that the

legal profession is responsible for the increase of business in this country. I distinctly say "no" to that accusation: in my experience it is not so. What is responsible for the increase in the number of cases, and the increase generally of litigation in this country is the increase in the number of native courts. In years gone by where there were perhaps two or three native courts in a district now there may be as many as a dozen or perhaps more. I am afraid, Sir, that that is due a great deal to the desire for revenue which these native courts have. I suggest that if it were possible to reduce the number of native courts, then the amount of litigation in the country would also be reduced, which I think would be a very good thing for the country. I might add that I do not know of any other country where litigation is so rampant as it is in Nigeria.

There are other matters in the Bill which I do not quite understand, Sir. Not only has the jurisdiction been divided and some of it given to the Supreme Court and some to the High Court but it has also been considered necessary to make a definite distinction as regards land cases. Why land cases particularly should be picked out and made an exception and no jurisdiction given in respect of them either to the Supreme Court or to the High Court, beats me. That distinction just means that all land cases will go to the native court and the Executive will still have a great control over the majority of cases, because after all land cases form the majority of those which come into these courts. I say, Sir, that the result will be that the Executive will not be divorced from the Judiciary as is the intention of the Bill. I have read the exception in clause 9 (b) of the Bill and to me it seems very strange. In the Bill as it was first published this section read:

"(b) The High Court shall not exercise jurisdiction in  
 "suits relating to the ownership, occupation or  
 "possession of lands save in cases in which a non-  
 "native is a party."

In the present Bill the section reads:

"(b) except in so far as the Governor may by Order in  
 "Council otherwise direct . . . the High Court shall  
 "not exercise original jurisdiction in suits which raise  
 "any issue as to the title to land or any interest  
 "therein in cases in which the suit is subject to the  
 "jurisdiction of a native court."

So that instead of saying outright that these courts shall not have jurisdiction in land cases, some concession has now been given due perhaps to the criticism that has been aimed against the section, by saying that except in so far as the Governor may order and except in so far as the appropriate section in the Native Courts Ordinance authorises, High Courts shall have jurisdiction except in cases where that jurisdiction rests in the native court. In order to try to understand that I looked back to see what jurisdiction was given to the native court, because if the jurisdiction to the native courts was full for land cases, then there would be

no jurisdiction left at all to the High Court, and we would then be in the same position as we were under the sub-section in the previous print of the Bill. When I looked to see what that jurisdiction would be, I found nothing very definitely laid down. The Schedule to the Native Courts Bill, relating to land cases, reads as follows (Grade A courts do not deal with land cases):—

“ Grade B.— . . . In the Southern Provinces such jurisdiction in causes concerning land, or in which the title to land or any interest therein comes in question, as may be stated in the warrant or annexure thereto.”

That of course does not enlighten us in any way, and the same may be said as regards native courts, Grades C and D, and it appears that the Resident has it absolutely in his power to deprive the High Court of any jurisdiction whatsoever by giving the native court all the jurisdiction possible in land cases. Not only does the District Officer have a great deal to say, but he actually decides what jurisdiction shall remain—not what jurisdiction shall be given—but what shall remain or be vested in the High Court. I think that position is very extraordinary. The actual working of that section would be very uncertain, because the present position is that, although transfers are permitted under the present system, in actual fact in the Calabar Province there are very few transfers. They are very rare. Residents who come to Calabar Province seem to follow the precedents of their predecessors and will not recommend transfers if possible. In the Owerri Province so far as I can recollect there have been no transfers at all for the past two years. On the other hand in Onitsha the transfers are so numerous that the court has to have extra assessors to deal with them. It will depend a great deal upon the particular Resident whether a High Court in any area shall deal with land cases, or how much it shall deal with them, or whether it shall not deal with them at all, so I suggest that that section is very unsatisfactory. As I said this morning we can depend upon the powers vested in Your Excellency being very widely exercised, and judiciously exercised, but those powers will still remain vested in the Governors who may succeed Your Excellency. Another Governor may come and he may hold the views of a Resident who does not believe in trial in the High Court, and then over the whole of the country there would be no jurisdiction in the High Court at all. Why there is no jurisdiction in the High Court in land cases I cannot quite grasp. The Honourable Attorney-General has endeavoured to give us reasons, but those reasons appear in the Objects and Reasons at the end of the Bill itself, and I submit that those he has given us to-day are certainly not satisfactory. I insist upon this particular portion of my speech because it has been impressed upon me by the members of my constituency and by the natives in and around my district that they consider land of so much more value and of more importance to them than any of the matters which come before the courts, and that being so, they would have thought that this particular class of case would go to the High Court.

A Governor of this country, Sir Hugh Clifford, once remarked that the lands of the people of Southern Nigeria were their most important possession, that they formed the basis of their communal, social and executive life. Without the land they could do nothing: without the land they could have no wealth, and without the land they could not live. To the native it is the most important thing in his life however small his portion of land may be. You may think to yourselves what a ridiculous thing it is for a native to bother and to spend much money on a case when the value of his land appears to be only £5 or £6. Yet the native views it from a different aspect. He says: "this is my right, and as far as my rights go in land matters I will push them to the utmost possible limit in order that I may retain them", and he would like to carry his case to the highest authority and spend as much money as he could afford in doing so. That only shows the importance to the native of his possession of and his rights in his own land, and why the Government should look upon the matter from another point of view and give the trial of this class of cases to people who have no experience, I cannot understand. It has been said that the native knows more about his own land than anybody else can. If that is so why is it that natives will not take a decision given in the native court? Why is it that one court will give a piece of land to one man and another court a few miles away will deal with the matter of the same piece of land and give it to somebody else? That is what the natives wish to avoid. They know that if they come to the High Court and a decision is given, the matter is settled. They are well aware that it is different in a native court; a decision may be given on a certain piece of land, and three or four years later the same native court will give an entirely different decision on the same piece of land. They are aware of that and tell us so over and over again. They say: "this does not happen in a white man's court". If these particular cases are to be confined to the native court, I feel very concerned, and I suggest that it is a very serious matter indeed which should be further considered.

There is one other section of the Bill with which I should like to deal and that is the section referring to appeals from native courts. That is section 49. The result of that section is, I am afraid, to take away with one hand what is given with the other. The section reads as follows:—

"The employment of legal practitioners enrolled to  
 "practise either as barristers or solicitors in the  
 "Supreme Court shall be allowed in causes and  
 "matters, whether civil or criminal, before the High  
 "Court or a Magistrate's Court, provided that a legal  
 "practitioner shall not be allowed to appear for or to  
 "assist any party in court in any appeal under this  
 "or the Native Courts Ordinance, 1933, relating to or  
 "from the decision of a Native Court, provided always  
 "that in land cases where the value of the property,

“ as stated in the writ of summons and as it appears  
 “ to a Judge, exceeds £200, the employment of such  
 “ legal practitioners shall, with the consent of the  
 “ Judge, be permitted.”

It appears from that that in appeals from a native court to a High Court or to a Magistrate's Court the legal practitioner will not be allowed to appear, and the native will thereby be deprived of any assistance. I suggest, Sir, that to give a native an appeal to a British court presided over by a British judge and then disallow him the advantage of the assistance of counsel is to give him a thing with one hand and take it away with the other. I have been told of cases where a native is not satisfied with a judgment given in the native court. He has gone to the District Officer with his complaint and the District Officer has asked him: “ What is the matter with you? Why are you not satisfied with the judgment? ” The man has stood there mute, not knowing what to say. He knows that he is not satisfied and he has it in his mind that his native judges have done him “ in the eye ” somehow or other; he knows he has lost his property but he stands there mute simply because he does not know how to put his case. That right of appeal is worth nothing to him.

On the other hand I heard of a case recently which was decided by a District Officer where a plaintiff had taken action for trespass on his land and claimed damages for that trespass. The District Officer dismissed the case on two grounds: he said “ I do not see that any damage has been done by this trespass; you have not proved that any damage has been done, and secondly I do not believe the land is yours. ” The man was disappointed. He was convinced that if being on the land and working on it, and another person came to interfere with him, he had a right to bring an action, and he could not understand why his case was lost. He entered an appeal and had the advantage of engaging counsel. Counsel pointed out that it did not matter whether the land belonged to the plaintiff or not: if he was in possession of that property, either by lease, or by licence, or in any other way he was rightly in possession and he was entitled to take an action for trespass. There the man had his rights because he had the assistance of counsel. He had no knowledge himself and could not put his case before the court, but by engaging counsel, he was able to secure his rights. I submit, Sir, that if barristers are not allowed to appear in the High Court, that the right of appeal is not worth anything.

Might I also point out that a plaintiff will be in a worse position even than when he went before a Provincial Court, because if he lost his case before a Provincial Court he had the right to go before the Supreme Court.

**His Excellency:—**

Only in civil cases. Now he can appeal in civil and criminal cases.

**The Hon. the Member for Calabar (Mr. C. W. Clinton):—**

But in neither case, Sir, can he have the assistance of counsel. That is the point I am trying to make. I wish to submit that that is a very serious position for the natives of this country. I will not carry this point any further now. It has been decided that the Bill shall go to Select Committee and I will put before the Committee any further points of principle which I wish to bring forward.

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

Your Excellency, in drafting such an important Bill as the Protectorate Courts Bill it is quite possible for the draughtsman to have overlooked certain facts. In the first place I would direct Your Excellency's attention to paragraph 40—the power of transfer from a Protectorate Court to a Native Court. To-day in many parts of the Southern Provinces of Nigeria we have the Supreme Court functioning, in Port Harcourt, Degema, Opobo, Calabar and several other places. Under the existing Supreme Courts Ordinance there is no provision for the transfer of cases from the Supreme Court to a native court. Under the present Provincial Courts Ordinance there is such a provision, and I do not believe that it is meant that the righteous should suffer for the wicked, and that those who have hitherto enjoyed the privilege of taking a case to the Supreme Court automatically, should now be deprived of that right under section 40 of this Bill.

We have in the Protectorate to-day, Sir, Government Medical Officers who are natives of Nigeria. Now what is going to happen if a doctor, resident in Owerri for example, who is an Ibo, a native of Enugu, commits a minor offence? He is taken before the Magistrate's Court, and he retains counsel. The Magistrate looks at him and says: "You are an Ibo, you must go to the Native Court." He then goes to the Native Court . . .

**His Excellency:—**

I do not want to interrupt the Honourable Member, but a gentleman of that kind would not be subject to the jurisdiction of the Native Court.

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

The next point I should like to raise, Sir, is that with regard to legal practitioners. It is difficult to understand, Sir, why since 1893 legal practitioners have been given rights of audience in all cases without any safeguards, but to-day safeguards are being introduced in the Legal Practitioners Bill.

**The Hon. the Attorney-General:—**

Your Excellency, the Honourable Mr. Graham Paul opened his address to the Council with an expression of regret that Government had not seen its way to adopt the solution of extending the Supreme Court in the Protectorate rather than

introduce a new court under the name of the High Court. My answer to that criticism is this: Government's desire is that the chief court of the Protectorate shall be a really accessible court and a court to which people can go without incurring any avoidable expense. If the jurisdiction of the Supreme Court had been extended throughout the Protectorate, it would have been extended with all the traditions of the Supreme Court: it is generally considered impossible to take a case to the Supreme Court without engaging a legal practitioner, and a general impression of non-accessibility must, I think, frequently be present in the minds of poorer persons who want to get redress at the hands of that Court. That appears to me to be one reason in justification—I do not say that there are not others—for introducing an entirely new court which will be unhampered in its usefulness by traditions and impressions of that kind. It seems to me that the establishment of an entirely new type of court altogether—a High Court—was Government's only chance of securing as the chief court of the Protectorate a really accessible court to deal with the litigation of people of the kind to which I referred when moving the second reading of this Bill.

The Honourable Mr. Graham Paul made a criticism for which there was some justification. He referred to the desire of Government that the procedure of the High Court should be of the simplest description, and he drew attention—and it was a point—that there is a clause in this Bill which preserves the Rules of Court prescribed by the Provincial Courts Ordinance. That is quite true, but so far as I am concerned the explanation is simply this, that in view of the mass of intricate legislation which had to be framed, very largely in the Legal Department, we did not want at that stage to concern ourselves with Rules of Court. It is my personal hope that those Rules of Court prescribed in the Provincial Courts Ordinance will be very drastically revised, and perhaps entirely redrafted before this new legislation comes into operation on or about the 1st of April next.

The Honourable Mr. Graham Paul also called attention to the difficulties which might arise where a case was within the jurisdiction both of the Native Court and the High Court. He represented A bringing his case in the Native Court and B hurrying to the High Court in order to bring a counter-claim there. I think it is quite likely that from time to time difficulties of that kind may arise, but there is always this way out of them; if either party represented the facts to the Resident or the District Officer he would undoubtedly direct a transfer of the case from the Native Court to the High Court, or on the other hand, the High Court might direct the transfer of the case begun in that court to the Native Court. There is always that solution. I quite appreciate that from time to time it may be possible that cases will arise where that solution has not been observed as a possible one, but I submit to the Council that it is far more satisfactory that you should have concurrent jurisdiction of a large part of the litigation both in the High Court and in Native

Courts. The High Court presumably would in a large number of cases be a more satisfactory tribunal. I do not say it always would be, but it would be quite possibly in a large number of cases, but we have to consider the question of personnel. It is impossible to appoint an unlimited number of judges. The Government might very well have said that in the circumstances which exist at present this scheme for judicial reforms must be deferred. Government did not take that line; it decided that these judicial reforms should be introduced now, but it will mean that the personnel of the High Court must be restricted, and that a large amount of litigation must be conducted in the native courts. Furthermore, as I pointed out when moving the second reading of the Native Courts Bill, it is of the greatest importance that native courts should be vested with such jurisdiction as they are really competent to assume.

The Honourable Member also suggested that the High Court should have the power to transfer cases begun in the native court to itself. If it had that power it is not difficult to see what would happen. One of the parties to a case would engage a counsel and he very likely would apply in the High Court for a transfer, and in nine cases out of ten he would get it. Furthermore you might have one of the parties engaging a counsel and the other party very reluctantly, a man quite likely of slender means, feeling also bound to engage a counsel. Then you would have both counsel appearing before the High Court, one applying for a transfer and the other consenting to a transfer, and in ninety-nine cases out of hundred the High Court would grant a transfer. In that way the whole policy of the Government of having provision for inexpensive litigation would be frustrated.

The Honourable Member for Calabar said that if land cases were left so largely to the native courts it would mean that the Executive would still have considerable control. It is true that a District Officer is to sit as President of a native court when that court tries a land case and that he may sit as adviser in any native court, but that does not mean the control of the Executive. I gave reasons, when moving the second reading of this Bill, why it was essential that land cases should be left within the jurisdiction of the native courts, and the mere fact that a District Officer may be sitting as President of, or as an adviser to, a native court does not mean that the Executive would be in control.

The Honourable Member for Calabar complained of the wide powers which Residents would have of deciding what should be the jurisdiction of native courts in land cases. It is true that Residents are given discretion to decide what jurisdiction native courts are to have in land cases, but the Honourable Member may take it that the general principles for determining that jurisdiction would be laid down by the central Government and Residents would be guided by those principles. The Honourable Member also referred to clause 9, and I think it may help if I put a concrete case with a view to explaining its meaning.

Supposing the jurisdiction of a Native Court, Grade B we will say, in land cases is fixed as being up to £50: that means it may hear land cases in which the value of the land is anything up to £50. A case is brought in which the value of the land is, we will say, £80. That case would not be a land case which was within the jurisdiction of the native court, and that being so, according to my interpretation of the Bill, it would be a land case within the jurisdiction of the High Court, under clause 9 (b).

I will now refer to an observation made by the Honourable Member regarding clause 49, which is the clause relating to the employment of legal practitioners. The Honourable Member drew a very pitiful picture of a man who was dissatisfied with the decision of a native court in a land case and of the manner in which he was brow beaten by the District Officer. I can only hope that that is not typical of the conduct of Administrative Officers. I do not think it is. I do not think it is typical of the conduct of an Administrative Officer when a man comes before him with a genuine grievance and hopes that the District Officer may be able to do something to rectify it. It is essential to remember that the class of persons of whom Government was thinking when this Bill was prepared, are persons who are ordinarily subject to the jurisdiction of a native court. As I said then in almost every case they will be persons of limited means, and once you allow counsel to appear in appeals from native court decisions, the whole policy of the Government of securing inexpensive appeals will be entirely frustrated.

There is no objection, as I construe this Bill, to a man who thinks that a native court has given a wrong decision, securing the advice of a legal practitioner, but the Bill does say that, subject to the one exception, legal practitioners are not to appear in these appeals. That section is not there simply to cause annoyance to members of the Bar. It is put there because in the preparation of this Bill Government has had in mind the great class of persons to whom the Bill will apply, and it has had to keep their necessities before it in framing its policy, and Government believes that it will be in their interests that appeals from native courts should continue to be inexpensive appeals even if it should be that occasionally, from time to time, in consequence of the absence of counsel, the result is not satisfactory.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

Sir, I move that the Bill now be referred to the Select Committee.

**His Excellency:—**

The Bill is referred to the same Select Committee which was nominated this morning.

## THE SUPREME COURT (AMENDMENT) ORDINANCE, 1933.

The Hon. the Attorney-General:—

Sir, I move that a Bill entitled "An Ordinance to amend the Supreme Court Ordinance" be read a second time. As Honourable Members will be aware, the Supreme Court exercises jurisdiction in the Colony and in certain areas of the Protectorate which are commonly referred to as "Supreme Court Areas."

One group of amendments which this Bill makes in the Supreme Court Ordinance is directed to the abolition of that general jurisdiction of the Supreme Court in these Supreme Court areas. The Supreme Court is, however, given jurisdiction throughout the Protectorate in matrimonial and probate matters, and in matters arising under the Ordinance which are specified in the Schedule to the Bill. This list of Ordinances is the same as that appearing in the First Schedule to the Protectorate Courts Bill. As the Council will recollect, I gave the reasons for keeping this jurisdiction in the Supreme Court in the Protectorate when moving the second reading of the Protectorate Courts Bill.

This Bill contains the same provisions as the Protectorate Courts Bill with regard to the representation of First and Second Class Chiefs in legal proceedings and the manner in which their evidence is to be obtained. The Bill also embodies in the Supreme Court Ordinance a number of provisions with regard to the execution by the Supreme Court of process issuing from the High Court or the Magistrates' Courts in the Protectorate. Those provisions are taken from the Provincial Courts Process Extension Ordinance, which this Bill repeals, but they have been amended so far as is necessary in order that they may be adapted to the changes in the judicial system of the Protectorate.

The Bill also contains an amendment designed to meet a suggestion made at a recent meeting by the First Lagos Member (or as he then was, the Second Lagos Member). Under the Supreme Court Ordinance a Commissioner of the Supreme Court has jurisdiction to try summarily any person convicted of an offence for which the maximum punishment is £50 or imprisonment for six months. Furthermore a Commissioner of the Supreme Court may try summarily a person charged with any offence which is of such a nature that it can be adequately dealt with by the infliction of a fine up to £50 or imprisonment for a term not exceeding six months. That is to say, notwithstanding that the maximum punishment for an offence is, we will say, three years, yet if the Commissioner of the Supreme Court thinks that in all the circumstances six months would be an adequate punishment, he may deal summarily with that offence, and it is not necessary for him to commit the case for trial.

The Bill provides that an accused person cannot be dealt with summarily under this provision unless he consents to be so dealt with.

The only other change to which I will refer is the abolition of the Full Court as a Court of Appeal from single Judges of the Supreme Court. It is proposed, as Honourable Members will see, that in future appeals from judgments of the Supreme Court shall go to the West African Court of Appeal.

**The Hon. the Acting Deputy Chief Secretary:—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

Sir, I move that this Bill be referred to the Select Committee as constituted this morning.

**His Excellency:—**

Bill referred accordingly.

THE CRIMINAL PROCEDURE (AMENDMENT NO. 2) ORDINANCE, 1933.

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled "An Ordinance to amend the Criminal Procedure Ordinance" be read a second time. The Criminal Procedure Ordinance is a long Ordinance consisting of nearly 200 sections, and the Protectorate Courts Bill has made it necessary to amend it very considerably. A large number of the amendments, however, are merely consequential upon the Protectorate Courts Bill and they raise no question of principle. For example, the Protectorate Courts Bill empowers the Governor to direct that certain offences shall be tried with a jury. That provision makes it necessary to amend and amplify those sections of the Criminal Procedure Ordinance which relate to the working of the jury system in the Colony in order that they may apply also in the Protectorate.

It only remains for me to summarise very briefly the provisions of the new Part IX relating to appeals which this Bill inserts in the Criminal Procedure Ordinance. Against a conviction in the Colony by a Commissioner of the Supreme Court there will be a right of appeal to the Supreme Court. Against a conviction in a Magistrate's Court of the Protectorate there will be a right of appeal to the High Court. These appeals will lie both on questions of fact and of law, but leave to appeal will be necessary in cases in which the lower court has passed a sentence which does not exceed one month's imprisonment or a fine of £50. From the Supreme Court and the High Court as Courts of Criminal Appeal there will be a further right of appeal on questions of law only to the West African Court of Appeal.

So far I have only referred to appeals against convictions by a Commissioner of the Supreme Court in the Colony or by a Magistrate's Court in the Protectorate, but the Bill also gives a right of appeal to the West African Court of Appeal against convictions by the Supreme Court or the High Court. I propose, however, to refer to these rights of appeals when moving the second reading of the West African Court of Appeal Bill.

I will add in conclusion that it is the desire of Government not only that there should be these rights of appeal but that convicted persons should know of them, and this Bill provides that in every case where a person is convicted the convicting court shall inform him of any right of appeal that he may have.

**The Hon. the Deputy Chief Secretary :—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General :—**

Sir, I move that the Bill be referred to the Select Committee as constituted this morning.

**His Excellency :—**

Bill referred accordingly.

*Council adjourned at 4.30 p.m.*

DEBATES  
IN THE  
LEGISLATIVE COUNCIL  
OF  
NIGERIA  
ON

Tuesday, 31st October, 1933.

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Pursuant to notice the Honourable the Members of  
the Legislative Council met in the Council Chamber,  
Lagos, at 10 A.M. on Tuesday the 31st of October, 1933.

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PRESENT.

OFFICIAL MEMBERS.

- The Governor,  
His Excellency Sir Donald Cameron, G.C.M.G., K.B.E.
- The Acting Chief Secretary to the Government,  
The Honourable Mr. A. C. Burns, C.M.G.
- The Chief Commissioner, Northern Provinces,  
His Honour Mr. G. S. Browne, C.M.G.
- The Acting Lieutenant-Governor, Southern Provinces,  
His Honour Mr. W. E. Hunt, C.B.E.
- The Attorney-General,  
The Honourable Mr. A. C. V. Prior.
- The Acting Treasurer,  
The Honourable Mr. A. H. Hodges.
- The Director of the Medical and Sanitary Service,  
The Honourable Dr. W. B. Johnson, C.M.G.
- The Honourable Mr. E. R. J. Hussey, C.M.G.  
Director of Education.
- The Director of Marine,  
The Honourable Captain L. J. Hall, O.B.E., R.D., R.N.R
- The Acting Comptroller of Customs,  
The Honourable Mr. K. S. Martin.

- The Acting Secretary, Northern Provinces.  
The Honourable Mr. W. Morgan.
- The Senior Resident, Calabar Province,  
The Honourable Mr. G. H. Findlay.
- The Acting Deputy Chief Secretary.  
The Honourable Mr. G. C. Whiteley.
- The General Manager of the Railway.  
The Honourable Mr. G. O. V. Bulkeley, C.B.E.
- The Director of Public Works,  
The Honourable Mr. C. L. Cox.
- The Acting Director of Agriculture.  
The Honourable Captain J. R. Mackie.
- The Honourable Mr. G. B. Hebden,  
Postmaster-General.
- The Honourable Mr. E. M. Falk,  
Commissioner of the Colony.
- The Honourable Captain J. Calder Wood, M.C., Surveyor-General  
(Extraordinary Member).

## UNOFFICIAL MEMBERS.

- The First Lagos Member,  
The Honourable Mr. E. O. Moore.
- The Commercial Member for Lagos.  
The Honourable Mr. R. F. Irving.
- The Member for the Warri-Benin Division.  
The Honourable Mr. I. T. Palmer.
- The Member for Calabar,  
The Honourable Mr. C. W. Clinton.
- The Third Lagos Member,  
The Honourable Mr. T. A. Doherty.
- The Member for the Ibo Division,  
The Venerable Archdeacon G. T. Basden.
- The Member for Shipping,  
The Honourable Mr. H. S. Feggetter.
- The Member for the Egba Division,  
The Honourable Mr. A. Alakija.
- The Member for the Colony Division,  
The Honourable Mr. H. Carr, O.B.E., I.S.O.
- The Member Representing the Niger African Traders,  
The Honourable Mr. B. O.-E. Amobi.

- The Member for the Rivers Division,  
The Honourable Mr. S. B. Rhodes.
- The Mining Member (Provisional),  
The Honourable Mr. J. Dent Young.
- The Banking Member (Provisional),  
The Honourable Mr. D. D. Gibb.
- The Honourable Mr. G. Graham Paul (Extraordinary Member).

## ABSENT.

- The Commandant,  
The Honourable Colonel W. R. Meredith, D.S.O.
- The Senior Resident, Sokoto Province,  
The Honourable Mr. G. J. Lethem.
- The Senior Resident, Plateau Province,  
The Honourable Mr. H. H. Middleton.
- The Senior Resident, Niger Province,  
The Honourable Mr. H. F. Backwell.
- The Resident, Bauchi Province,  
The Honourable Mr. T. C. Newton.
- The Resident, Cameroons Province,  
The Honourable Mr. J. W. C. Rutherford.
- The Resident, Benue Province,  
The Honourable Mr. E. S. Pembleton.
- The Resident, Abeokuta Province,  
The Honourable Mr. A. E. F. Murray.
- The Resident, Oyo Province,  
The Honourable Mr. H. L. Ward-Price.
- The Resident, Ijebu Province,  
The Honourable Mr. H. M. Brice-Smith.
- The Second Lagos Member,  
The Honourable Dr. C. C. Adeniyi-Jones.
- The Member for the Oyo Division,  
The Honourable Mr. A. S. Agbaje.
- The Commercial Member for Kano,  
The Honourable Mr. T. Hepburn.
- The Commercial Member for Port Harcourt,  
The Honourable Mr. P. H. Davey.
- The Commercial Member for Calabar,  
The Honourable Mr. H. B. Wheeler.

## PRAYERS.

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

## CONFIRMATION OF MINUTES.

The Minutes of the meeting held on the 30th October, 1933, having been printed and circulated to Honourable Members were taken as read and confirmed.

## QUESTIONS.

THE HON. THE FIRST LAGOS MEMBER (MR. E. O. MOORE):—

1. Whether the attention of Government has been invited to an undesirable practice recently in vogue in some of the Native Administrations of the Central and Eastern Provinces whereby the appointments of efficient and serviceable Africans are being terminated without any cause beyond the fact that they are not Natives of that particular locality or division, though Natives of Nigeria: as witness the case of Christopher Ogan, late Treasurer of the Afikpo Native Administration, Ogoja Province, in 1931.

Answer:—

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

Since the establishment of Native Administrations in the Eastern and Central Provinces the general policy pursued has been that so far as possible all Native Administration employees should be selected by the Native Authorities concerned from natives of the area over which they have jurisdiction. As a result of recent reorganisation a great number of small administrations have been formed the Native Authorities of which control their own local institutions and administer their own funds with the advice of Administrative Officers. In these circumstances it is sometimes necessary to dispense with the services of more highly paid officials who previously did the work of the smaller administrations at central courts or treasuries and to replace them by local clerks on salaries more in keeping with their reduced responsibilities and the limited financial resources of the newly formed administrations. In the particular case quoted Mr. Ogan who was in receipt of a salary of £104 per annum was replaced by a local clerk at £72 per annum. Mr. Ogan received the equivalent of four months salary as a gratuity.

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

2. (a) Whether the levy on salaries of Government officials affects salaries paid to Native Chiefs.

(b) If not will Government now extend the levy to cover such salaries.

Answer:—

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

(a) No, Sir.

(b) Certain Native Administrations which were unable to balance their budgets otherwise have already reduced the emoluments of their staff, including those of the Chiefs. In view of the fact that the other Administrations are able to balance their budgets, Government is not prepared to order a general levy on the salaries paid by the Native Administrations.

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

3. Will Government suspend the policy of recruiting for Nigeria fresh officers by the Secretary of State until the revenue is restored to normal.

Answer:—

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

Establishment are, of course, not being increased. When a vacancy occurs in existing establishments careful examination is made in each case and if possible in the interests of the public service the vacancy is left unfilled, but, as I think the Honourable Member will himself appreciate, it is impossible to say that for the future no vacancy must be filled until the revenue returns to normal, whatever normal may be.

### BILLS.

**THE WEST AFRICAN COURT OF APPEAL ORDINANCE, 1933.**

**The Hon. the Attorney-General:—**

Your Excellency, I move that a Bill entitled "An Ordinance to make provision for appeals to the West African Court of Appeal" be read a second time. There is an Order in Council which constitutes the West African Court of Appeal as a Court of Appeal for the superior Courts of the Gold Coast, Sierra Leone and the Gambia, and there will shortly be promulgated a new Order in Council constituting the West African Court of Appeal as a Court of Appeal not only for the superior Courts of those Territories but as a Court of Appeal for the Supreme Court of Nigeria and the High Court and Native Courts of the Protectorate. It is, however, for this Legislature to say in what cases appeals shall lie from those Courts to the West African Court of Appeal, and the Bill now before the Council embodies the proposals of the Government in that connexion.

So far as regards civil appeals the Bill provides that from the Supreme Court and the High Court there shall be a right of appeal to the West African Court of Appeal in just those cases in which there is now a right of appeal from a single Judge of the Supreme Court to the Full Court, that is to say, speaking generally, in

cases in which the claim or the value of the property in dispute is £50 or upwards. With regard to criminal cases the Bill gives a right of appeal against a conviction in the Supreme Court or the High Court, and gives that right of appeal on exactly the same grounds as are open to a person who has been convicted on indictment in England and who desires to appeal to the English Court of Criminal Appeal.

I have already, when moving the second reading of the Criminal Procedure (Amendment No. 2) Bill, referred to the right of appeal to the West African Court of Appeal from a decision of the Supreme Court or the High Court given on appeal against a conviction by a Commissioner of the Supreme Court of the Colony or a Magistrate in the Protectorate. This Bill gives a further right of appeal in civil cases where the Supreme Court or the High Court has reversed or materially altered the decision of a Commissioner of the Supreme Court in the Colony or a Magistrate in the Protectorate, provided that the claim or the value of the property in dispute is £50 or upwards. In other cases there will not be a right of appeal except by leave of the Supreme Court or the High Court.

So far as regards civil and criminal appeals from Native Courts, as I explained when moving the second reading of the Native Courts Bill, it is only intended that the High Court shall be a Court of Appeal for Native Courts of Grade A, which are Courts possessing full jurisdiction, and furthermore there will not be a right of appeal to the High Court except in such matters as fall within that part of the jurisdiction of Native Courts of Grade A which is not vested in Native Courts of Grade B. A case which is of sufficient importance to justify a right of appeal from a Native Court of Grade A to the High Court, will therefore also be of sufficient importance to warrant the grant of a further right of appeal to the West African Court of Appeal.

With regard to the right of appeal in criminal cases, I have one further observation to make. The right of appeal to the High Court will be a right of appeal on questions both of law and of fact, but where an appellant having failed in the High Court goes from the High Court to the West African Court of Appeal, his grounds of appeal will be restricted to those grounds which are open to a person who has been convicted in the Supreme Court or the High Court. That is to say, when the appellant comes to the West African Court of Appeal he will be in exactly the same position and have the same rights and grounds of appeal open to him as a person who has been convicted in the Supreme Court or in the High Court.

As far as I am aware this is the first Bill to be introduced into a Colonial Legislature which contains provisions of the kind which Honourable Members will find in clause 22 of the Bill. That clause will enable the Governor to refer to the West African Court of Appeal any petition which he may receive for the exercise of the prerogative of mercy from a person who has been

convicted in a superior court, and the Governor will be able to refer the petition to the West African Court of Appeal in order that that Court may deal with the petition in the same way as if it were an appeal by the petitioner against his conviction or against his sentence; or the Governor may refer the petition to the Court of Appeal simply for the purpose of getting the advice of the Court on some particular point. This clause follows closely a section in the English Criminal Appeal Act, and the effect of it will be to enable the Governor to obtain a judicial decision of the Court of Appeal on the petition as a whole, or to obtain their advice upon some particular question, in cases which the Governor considers can be appropriately dealt with in this way.

**The Hon. the Acting Deputy Chief Secretary:—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

Sir, I move that the Bill be referred to the Select Committee already appointed.

**His Excellency:—**

Bill referred accordingly.

THE INTER-TRIBAL BOUNDARIES SETTLEMENT, ORDINANCE, 1933.

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled "An Ordinance to provide for the settlement of disputes with regard to inter-tribal boundaries" be read a second time. From time to time disputes arise between tribes, sub-tribes or clans as to the boundaries which should separate their respective lands, and this Bill is introduced in order to provide for the definitive and binding settlement of disputes of this kind. Under the Bill a District Officer, with the consent of his Resident, will be able to enquire into and to decide such a dispute, and for that purpose he may have chiefs sitting with him as assessors.

The Bill provides that a Resident may review the proceedings of any enquiry held by a District Officer under the Bill, and may affirm, set aside or vary the decision of the District Officer, or may order a fresh enquiry. The Bill also confers upon the Governor similar powers with regard to any action taken by a District Officer or a Resident under the Bill.

**The Hon. Mr. E. M. Falk (Commissioner of the Colony):—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

Sir, I move that the Bill be referred to the Select Committee already appointed.

**His Excellency:—**

Bill referred accordingly.

THE INTERPRETATION (AMENDMENT) ORDINANCE, 1933.

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled "An Ordinance to amend the Interpretation Ordinance" be read a second time. The scheme for the establishment of the High Court and Magistrates' Courts in the Protectorate by the Protectorate Courts Bill has, of course, entailed a very large number of amendments in numerous Ordinances. To take an obvious example, one constantly comes across in Ordinances a reference to the Provincial Court or to Provincial Courts, and it is usually necessary to substitute for any such reference, a reference to the High Court. If an Ordinance only requires simple amendments such as that, those amendments have been effected by the long second Schedule to the Protectorate Courts Bill, but when something more than amendments of this description is required, an amending Bill has been prepared to make all the requisite amendments. The object of this Bill, therefore, and of the next eleven Bills on the agenda is to make amendments rendered necessary by the Protectorate Courts Bill. In some cases other matters are dealt with as well.

To turn to the provisions of this particular Bill, the division of the Protectorate into Provinces has hitherto been effected under a provision in the Provincial Courts Ordinance, but with the repeal of that Ordinance it becomes necessary to insert a similar provision elsewhere. This Bill, therefore, inserts in the Interpretation Ordinance a definition of "Province" to the effect that "'Province' means one of the Provinces of the Protectorate into which the Governor may from time to time by Order defining their boundaries divide the Protectorate."

The Bill also makes a few other obvious amendments consequent upon the introduction of the Protectorate Courts Bill, the Native Courts Bill and the Native Authority Bill, and it also makes an amendment consequent on the change in the title of the chief Administrative Officer of the Northern Provinces from that of "Lieutenant-Governor" to "Chief Commissioner."

**The Hon. Mr. E. M. Falk (Commissioner of the Colony):—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

Sir, I move that the Bill be referred to the Select Committee already appointed.

*Bill referred accordingly.*

## THE NOTARIES PUBLIC (AMENDMENT) ORDINANCE, 1933.

**The Hon. the Attorney-General :—**

Sir, I move that a Bill entitled " An Ordinance to amend the Notaries Public Ordinance " be read a second time. Under the Notaries Public Ordinance the Full Court is empowered for reasonable cause to order that the name of a notary public be struck off the Roll of the Court. Since it is proposed to transfer the appellate jurisdiction of the Full Court to the West African Court of Appeal, it is considered better that the Full Court should not be preserved by that name in view of the small residuum of jurisdiction that would be left to it, and this Bill accordingly provides that the disciplinary powers of the Full Court over notaries public shall in future be exercised by the Supreme Court, but that for the purpose of the exercise of those powers the Supreme Court shall be constituted by three Supreme Court Judges, that being the number at present necessary in order to constitute the Full Court. Honourable Members will see therefore that the change is merely a change in nomenclature.

**The Hon. Mr. E. M. Falk (Commissioner of the Colony) :—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General :—**

Sir, I move that the Bill be referred to the Select Committee already appointed.

**His Excellency :—**

Bill referred accordingly.

THE MEDICAL PRACTITIONERS AND DENTISTS (AMENDMENT NO. 2)  
ORDINANCE, 1933.**The Hon. the Attorney-General :—**

Sir, I move that a Bill entitled " An Ordinance to amend the Medical Practitioners and Dentists Ordinance " be read a second time. Honourable Members will see from the statement at the end of the Bill that a medical practitioner or dentist whose name the Governor in Council has ordered to be struck off the register has a right of appeal to the Full Court. For the same reason which I gave when moving the last Bill, this Bill provides that in future these appeals shall go not to the Full Court by that name, but to the Supreme Court constituted for the purpose by three Supreme Court Judges. Honourable Members will see that here again the change is not a change of any substance.

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

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

I move that the Bill be referred to the Select Committee already appointed.

**His Excellency:—**

Bill referred accordingly.

THE CORONERS (AMENDMENT) ORDINANCE, 1933.

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled "An Ordinance to amend the Coroners Ordinance" be read a second time. Under the Coroners Ordinance every Commissioner of the Supreme Court, District Officer and Assistant District Officer is a Coroner for the area to which he is appointed. Under the new Supreme Court (Amendment) Bill Commissioners of the Supreme Court will no longer be appointed to the Protectorate, inasmuch as there will be no Supreme Court areas, that is to say, no Commissioner of the Supreme Court will be a Coroner in the Protectorate. On the other hand the Bill provides that Magistrates appointed under the Protectorate Courts Bill will be Coroners for the area in which they exercise jurisdiction.

The only other amendment to which I will refer is an amendment to the provision of the principal Ordinance which empowers the Chief Justice and Puisne Judges of the Supreme Court and Residents to appoint persons to be Deputy Coroners. This Bill deprives Puisne Judges of that power, and restricts the power of the Chief Justice to the appointment of persons to be Deputy Coroners for the Colony or for any part of the Colony.

**The Hon. the Senior Resident, Calabar Province:—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

I move that the Bill be referred to the Select Committee already appointed.

**His Excellency:—**

Bill referred accordingly.

FUGITIVE CRIMINALS SURRENDER (AMENDMENT) ORDINANCE, 1933

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled "An Ordinance to amend the Fugitive Criminals Surrender Ordinance" be read a second time. The principal Ordinance confers on Station Magistrates and Members of Provincial Courts certain powers with regard to the surrender of fugitive criminals, but it provides that those

powers shall not be exercised in relation to a non-native except by a Station Magistrate. Those powers are transferred by this Bill to Magistrates appointed under the Protectorate Courts Bill, and such Magistrates may exercise those powers in relation to both natives and non-natives.

**The Hon. the Senior Resident, Calabar Province :—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General :—**

Sir, I move that the Bill be referred to the Select Committee already appointed.

**His Excellency :—**

Bill referred accordingly.

THE OFFICIAL OATHS (AMENDMENT) ORDINANCE, 1933.

**The Hon. the Attorney-General :—**

Sir, I move that a Bill entitled "An Ordinance to amend the Official Oaths Ordinance" be read a second time. This Bill requires Judges of the High Court and Magistrates of the Protectorate to take the same oaths as have to be taken on appointment by Judges of the Supreme Court and Magistrates of the Colony.

**The Hon. the Director of Marine :—**

I beg to second the motion.

**The Hon. the Attorney-General :—**

Sir, I move that the Bill be referred to the Select Committee already appointed.

**His Excellency :—**

Bill referred accordingly.

THE LUNACY (AMENDMENT) ORDINANCE, 1933.

**The Hon. the Attorney-General :—**

Sir, I move that a Bill entitled "An Ordinance to amend the Lunacy Ordinance" be read a second time. This is another Bill which is introduced solely in consequence of the Protectorate Courts Bill. This Bill transfers to the High Court the jurisdiction of the Court of the Resident of a Province with regard to applications for the allocation of a lunatic's property towards his maintenance, and it also makes two other minor amendments to the Lunacy Ordinance in consequence of the Protectorate Courts Bill.

**The Hon. the Director of Marine :—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General :—**

Sir, I move that the Bill be referred to the Select Committee already appointed.

**His Excellency :—**

Bill referred accordingly.

THE MARRIAGE (AMENDMENT) ORDINANCE, 1933.

**The Hon. the Attorney-General :—**

Sir, I move that a Bill entitled " An Ordinance to amend the Marriage Ordinance " be read a second time. The main amendment which this Bill makes in the Marriage Ordinance is an amendment to section 15 of that Ordinance. That section provides that where a caveat has been entered against an intended marriage, the person entering the caveat and the parties to the intended marriage are to be summoned before the Supreme Court or the Provincial Court, and the person entering the caveat is to be required to show cause against the marriage. Clause 2 of this Bill transfers this jurisdiction from the Provincial Courts in the Protectorate to the new High Court.

**The Hon. the Acting Director of Agriculture :—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General :—**

Sir, I move that the Bill be referred to the Select Committee already appointed.

**His Excellency :—**

Bill referred accordingly.

THE LIQUOR (AMENDMENT NO. 2) ORDINANCE, 1933.

**The Hon. the Attorney-General :—**

Sir, I move that a Bill entitled " An Ordinance to amend the Liquor Ordinance " be read a second time. This Bill deletes the definition of " Native Authority " which appears in section 2 of the principal Ordinance in order that any reference to " Native Authority " in that Ordinance may be understood as meaning a Native Authority appointed under the new Native Authority Bill.

The other amendments which this Bill makes in the principal Ordinance are indicated in the statement at the end of the Bill, and as they are amendments which might, had they been the only amendments, very well have been inserted in the Second Schedule to the Protectorate Courts Bill, I hardly think that it is necessary that I should refer to them.

**The Hon. the Acting Director of Agriculture:—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

Sir, I move that the Bill be referred to the Select Committee already appointed.

**His Excellency:—**

Bill referred accordingly.

#### THE BILLS OF SALE (AMENDMENT) ORDINANCE, 1933.

**The Hon. the Attorney-General:—**

I move, Sir, that a Bill entitled "An Ordinance to amend the Bills of Sale Ordinance" be read a second time. The Bills of Sale Ordinance is restricted in its application to bills of sale which are given in respect of goods which are within the Colony or within a Supreme Court area in the Protectorate. This Bill removes that restriction and the Bills of Sale Ordinance as amended by this Bill will apply to all bills of sale wherever in Nigeria the goods in respect of which they are given may be. Extending a provision of the Bills of Sale Ordinance this Bill also provides that where the residence of the person giving the bill of sale is in a place within the local limits of a Magistrate's Court not comprising any part of Lagos, or where the goods in respect of which the bill of sale is given are at such a place, the Registrar is to send an abstract of the bill of sale to the Magistrate in order that it may be open to public inspection.

Persons inspecting the abstract will then know that the individual in question has found it necessary to give a bill of sale and they will be able to ascertain the goods in respect of which the bill of sale has been given.

**The Hon. Mr. G. B. Hebden (Postmaster-General):—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

Sir, I move that the Bill be referred to the Select Committee already appointed.

**His Excellency:—**

Bill referred accordingly.

## THE ALIENS (AMENDMENT) ORDINANCE, 1933.

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled "An Ordinance to amend the Aliens Ordinance" be read a second time. This Bill will confer on Judges of the High Court and Magistrates in the Protectorate the powers which Judges and Commissioners of the Supreme Court possess of recommending the deportation of an alien who has been convicted of an offence which is punishable by imprisonment without the option of a fine.

**The Hon. Mr. G. B. Hebden (Postmaster-General):—**

Sir, I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

I move that the Bill be referred to the Select Committee already appointed.

**His Excellency:—**

Bill referred accordingly.

## THE POLICE (AMENDMENT) ORDINANCE, 1933.

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled "An Ordinance to amend the Police Ordinance, 1930" be read a second time. In addition to making two obvious consequential amendments, that is to say amendments consequent on the Protectorate Courts Bill, this Bill amends a provision in the principal Ordinance to the effect that any police officer of or above the rank of sergeant may conduct prosecutions before a Magistrate. This Bill will allow of prosecutions being conducted before a Magistrate in the Colony or in the Protectorate by a police officer of or above the rank of corporal. A police sergeant may not always be available and there is no reason why the conduct of some prosecutions should not be entrusted to an intelligent corporal.

**The Hon. the General Manager of the Railway:—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

I move that the Bill be referred to the Select Committee already appointed.

**His Excellency:—**

Bill referred accordingly.

**The Hon. Mr. G. Graham Paul (Extraordinary Member):—**

May I ask what the Government's intentions are with regard to the Legal Practitioners Bill and the Criminal Code Bill?

**His Excellency :—**

We propose to take all the nineteen Bills which have been read into the Select Committee and then resume and take the other Bills in the ordinary course.

**The Hon. Mr. G. Graham Paul (Extraordinary Member) :—**

I thought perhaps the Criminal Code Bill and the Legal Practitioners Bill might well go to the Select Committee, Sir.

**His Excellency :—**

There will be no objection to that and I will ask the Honourable Attorney-General to move the second reading of the two Bills formally, after which they can be referred to the Select Committee.

THE CRIMINAL CODE (AMENDMENT) ORDINANCE, 1933.

**The Hon. the Attorney-General :—**

Sir, I move that a Bill entitled " An Ordinance to amend the Criminal Code Ordinance " be read a second time.

**The Hon. Captain J. Calder Wood, M.C. (Surveyor-General) :—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General :—**

I move that the Bill be referred to the Select Committee already appointed.

**His Excellency :—**

Bill referred accordingly.

THE LEGAL PRACTITIONERS ORDINANCE, 1933.

**The Hon. the Attorney-General :—**

Sir, I move that a Bill entitled " An Ordinance to amend the law relating to Legal Practitioners " be read a second time.

**The Hon. Mr. G. Graham Paul (Extraordinary Member) :—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General :—**

I move that the Bill be referred to the Select Committee already appointed.

**His Excellency :—**

Bill referred accordingly.

## THE 1932-33 SUPPLEMENTARY SUPPLY ORDINANCE, 1933.

**The Hon. the Acting Treasurer :—**

Sir, I move that a Bill entitled " An Ordinance to make supplementary provision for the service of the Colony and Protectorate of Nigeria for the year ending the thirty-first day of March, one thousand nine hundred and thirty-three " be read a second time.

**The Hon. the Acting Deputy Chief Secretary :—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Acting Treasurer :—**

Sir, I move that the Bill be referred to the Finance Committee.

**His Excellency :—**

Bill referred accordingly.

*Council adjourned at 10.40 a.m.*

DEBATES  
IN THE  
LEGISLATIVE COUNCIL  
OF  
NIGERIA  
ON

Thursday, 2nd November, 1933.

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Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 10.30 A.M. on Thursday the 2nd of November, 1933.

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PRESENT.

OFFICIAL MEMBERS.

- The Governor,  
His Excellency Sir Donald Cameron, G.C.M.G., K.B.E.
- The Acting Chief Secretary to the Government,  
The Honourable Mr. A. C. Burns, C.M.G.
- The Chief Commissioner, Northern Provinces,  
His Honour Mr. G. S. Browne, C.M.G.
- The Acting Lieutenant-Governor, Southern Provinces,  
His Honour Mr. W. E. Hunt, C.B.E.
- The Attorney-General,  
The Honourable Mr. A. C. V. Prior.
- The Acting Treasurer,  
The Honourable Mr. A. H. Hodges.
- The Director of the Medical and Sanitary Service,  
The Honourable Dr. W. B. Johnson, C.M.G.
- The Honourable Mr. E. R. J. Hussey, C.M.G.,  
Director of Education.
- The Director of Marine,  
The Honourable Captain L. J. Hall, O.B.E., R.D., R.N.R.
- The Acting Comptroller of Customs,  
The Honourable Mr. K. S. Martin.

- The Acting Secretary, Northern Provinces,  
The Honourable Mr. W. Morgan.
- The Senior Resident, Calabar Province,  
The Honourable Mr. G. H. Findlay.
- The Acting Deputy Chief Secretary,  
The Honourable Mr. G. C. Whiteley.
- The General Manager of the Railway,  
The Honourable Mr. G. V. O. Bulkeley, C.B.E.
- The Director of Public Works,  
The Honourable Mr. C. L. Cox.
- The Honourable Mr. G. B. Hebden,  
Postmaster-General.
- The Honourable Mr. E. M. Falk,  
Commissioner of the Colony.
- The Honourable Captain J. Calder Wood, M.C., Surveyor-General  
(Extraordinary Member).

## UNOFFICIAL MEMBERS.

- The First Lagos Member,  
The Honourable Mr. E. O. Moore.
- The Commercial Member for Lagos,  
The Honourable Mr. R. F. Irving.
- \* The Member for the Warri-Benin Division,  
The Honourable Mr. I. T. Palmer.
- The Member for Calabar,  
The Honourable Mr. C. W. Clinton.
- The Third Lagos Member,  
The Honourable Mr. T. A. Doherty.
- The Commercial Member for Kano,  
The Honourable Mr. T. Hepburn.
- The Member for the Ibo Division,  
The Venerable Archdeacon G. T. Basden.
- The Member for Shipping,  
The Honourable Mr. H. S. Feggetter.
- The Member for the Egba Division,  
The Honourable Mr. A. Alakija.
- The Member for the Colony Division,  
The Honourable Mr. H. Carr, O.B.E., I.S.O.
- \* The Member Representing the Niger African Traders,  
The Honourable Mr. B. O.-E. Amobi.

\* Absent from the afternoon meeting of the Council.

- The Member for the Rivers Division,  
The Honourable Mr. S. B. Rhodes.
- The Banking Member (Provisional),  
The Honourable Mr. D. D. Gibb.
- The Honourable Mr. G. Graham Paul (Extraordinary Member).

## ABSENT.

- The Commandant,  
The Honourable Colonel W. R. Meredith, D.S.O.
- The Senior Resident, Sokoto Province,  
The Honourable Mr. G. J. Lethem.
- The Senior Resident, Plateau Province,  
The Honourable Mr. H. H. Middleton.
- The Senior Resident, Kano Province,  
The Honourable Mr. H. O. Lindsell.
- The Senior Resident, Niger Province,  
The Honourable Mr. H. F. Backwell.
- The Resident, Bauchi Province,  
The Honourable Mr. T. C. Newton.
- The Resident, Cameroons Province,  
The Honourable Mr. J. W. C. Rutherford.
- The Resident, Benue Province,  
The Honourable Mr. E. S. Pembleton.
- The Resident, Abeokuta Province,  
The Honourable Mr. A. E. F. Murray.
- The Resident, Oyo Province,  
The Honourable Mr. H. L. Ward-Price.
- The Director of Agriculture,  
The Honourable Mr. O. T. Faulkner, C.M.G.
- The Second Lagos Member,  
The Honourable Dr. C. C. Adeniyi-Jones.
- The Member for the Oyo Division,  
The Honourable Mr. A. S. Agbaje.
- The Commercial Member for Port Harcourt,  
The Honourable Mr. P. H. Davey.
- The Commercial Member for Calabar,  
The Honourable Mr. H. B. Wheeler.
- The Mining Member (Provisional),  
The Honourable Mr. J. Dent Young.

**PRAYERS.**

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

**CONFIRMATION OF MINUTES.**

The Minutes of the meeting held on the 31st October, 1933, having been printed and circulated to Honourable Members were taken as read and confirmed.

**PAPERS LAID.**

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

Report of the Finance Committee.

Sessional Paper No. 33 of 1933, Annual Report on the Southern Provinces of Nigeria for the year 1932.

Sessional Paper No. 34 of 1933, Annual Report of the Lagos Executive Development Board, 1932-33.

Sessional Paper No. 35 of 1933, Ife Water Supply.

The Honourable the Attorney-General laid the following Reports on the Table:—

**REPORTS**

OF A SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL APPOINTED TO CONSIDER TWENTY-ONE BILLS SEVERALLY ENTITLED—

An Ordinance to prescribe the powers and duties of Native Authorities;

An Ordinance to make better provision for the administration of justice and the constitution of Native Courts in the Protectorate;

An Ordinance to make better provision for the administration of justice and to constitute new Courts in the Protectorate;

An Ordinance to amend the Supreme Court Ordinance;

An Ordinance to amend the Criminal Procedure Ordinance;

An Ordinance to make provision for Appeals to the West African Court of Appeal;

An Ordinance to provide for the settlement of disputes with regard to Inter-Tribal Boundaries;

An Ordinance to amend the Interpretation Ordinance;

An Ordinance to amend the Notaries Public Ordinance;

An Ordinance to amend the Medical Practitioners and Dentists Ordinance;

An Ordinance to amend the Coroners Ordinance;

An Ordinance to amend the Fugitive Criminals Surrender Ordinance;

- An Ordinance to amend the Official Oaths Ordinance;  
 An Ordinance to amend the Lunacy Ordinance;  
 An Ordinance to amend the Marriage Ordinance;  
 An Ordinance to amend the Liquor Ordinance;  
 An Ordinance to amend the Bills of Sale Ordinance;  
 An Ordinance to amend the Aliens Ordinance;  
 An Ordinance to amend the Police Ordinance;  
 An Ordinance to amend the Criminal Code Ordinance;  
 An Ordinance to amend the law relating to Legal Practitioners.

## RESOLUTIONS.

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

Sir, I beg to move the adoption of the report of the Finance Committee which has been laid on the table this morning.

## REPORT OF THE STANDING COMMITTEE OF FINANCE OF THE LEGISLATIVE COUNCIL.

YOUR EXCELLENCY,

The Committee sat on the 31st of October, 1933.

2. The Committee recommend approval of payment of the sum of £237 2s. 8d. in respect of ex-gratia and compassionate gratuities as set out in the following Schedule:—

## SCHEDULE.

Name.	Service.	Amount of Gratuity.
		£ s. d.
J. Muje ... ..	11 years' service as Assistant Lineman, Posts and Telegraphs Department.	4 10 0
Bako ... ..	19 years' service as Messenger, Provincial Administration, Northern Provinces.	4 13 4
Ibrahim ... ..	16 years' service as Messenger, Provincial Administration, Northern Provinces.	6 0 0
Ojo Ajashe ... ..	19 years' service as Messenger, Secretariat, Southern Provinces.	7 0 0
Usman ... ..	16 years' service as Messenger, Zaria Township.	5 10 0
J. V. Williams ... ..	21 years' service as Carpenter, Nigerian Railway.	16 14 6
Doravi ... ..	25 years' service as Boiler Cleaner, Marine Department.	6 0 0
S. Olubiyi ... ..	11 years' service as 2nd Class Clerk, Harbour Department.	18 0 0
	Carried forward ... ..	£ 68 7 10

## SCHEDULE—continued.

Name.	Service.	Amount of Gratuity.
		£ s. d.
	Brought forward ... ..	68 7 10
Adebayo ... ..	17 years' service as Head Labourer, Medical Department.	3 15 0
Ishola ... ..	21 years' service as Forest Guard, Forestry Department.	7 10 0
A. Alapatira ... ..	25 years' service as Labourer, Printing Department.	12 0 0
Salami Were ... ..	20 years' service as Labourer, Printing Department.	10 10 0
E. Sule ... ..	22 years' service as Road Overseer, Public Works Department.	12 15 0
Mali ... ..	24 years' service as Chairman, Survey Department.	6 0 0
J. Anoruo ... ..	13 years' service as Blacksmith, Nigerian Railway.	8 13 4
A. Elesbin ... ..	30 years' service as Messenger, Provincial Administration, Southern Provinces.	7 10 0
Allasan ... ..	21 years' service as Artisan, Public Works Department.	52 0 0
Francis Ohi ... ..	14 years' service as Fitter, Public Works Department.	3 11 6
Isa Kuta ... ..	14 years' service as Messenger, Posts and Telegraphs Department.	2 10 0
J. Iwunze ... ..	For injuries sustained while in the execution of his duties as 1st Class Constable, Police Force.	10 0 0
Mother of the late Mr. F. O. Wright.	Compassionate Gratuity awarded in respect of the late Mr. Wright's service as Inspector of Works, Grade II, Public Works Department.	32 0 0
	Total ... ..	£ 237 2 8

3. The Committee recommend approval of expenditure as detailed in the Supplementary Estimates as follows:—

	£
1932-33, fourth quarter (first list) ... ..	15,495
1932-33, fourth quarter (second and final list)	186,032
1933-34, first quarter ... ..	1,901
1933-34, second quarter ... ..	29,187

4. 1932-33 Supplementary Supply Bill.

The Committee recommend approval of the expenditure of £273,104 as detailed in the Bill.

A. C. BURNS,  
Chairman of Committee.

The Hon. the Acting Treasurer :—

I beg to second the motion.

*The resolution was adopted.*

The Hon. the Senior Resident, Calabar Province :—

Sir, I beg to move the following resolution :—

“ Be it resolved: That this Council consents to assistance  
 “ being given to the Calabar Township's Water  
 “ Supply Scheme, the details of which are given  
 “ in Sessional Paper No. 32 of 1933, in the form of  
 “ a free grant of £6,500 and a loan of £6,000 at six  
 “ per cent. per annum from Loan Funds to cover  
 “ Capital cost.”

The scheme for the Calabar Waterworks to supply water for 17,000 people was approved by the Central Government about thirty-eight years ago when the population was very much less than it is at present, and it is now entirely inadequate for the needs of the people. There are only twelve public fountains and the provision for private consumers is very meagre and intermittent.

The engineers of the Public Works Department have made their investigations and put forward a report which contains proposals for a definite scheme to improve the existing water supply of Calabar. It will provide for present requirements and make further provision for future expansion. The scheme will include thirty new street fountains and an adequate supply of water for all private consumers.

The capital cost of the scheme is £12,500, and Council is asked to sanction provision for this amount to enable the work to be carried out. The annual expenditure is estimated at £1,537, and this includes interest on the Loan, the Renewals Fund and maintenance and operating charges. To meet this expenditure it is proposed, with the approval of the Government, to levy a general rate under the Waterworks Ordinance, Section 19, which allows for a percentage rate on assisted schemes to be paid by all persons who pay tax under the Native Revenue Ordinance. It is proposed that the percentage shall be one *per cent.* payable by persons who pay tax at a flat rate of four shillings, and a half *per cent.* payable in the case of persons who pay tax at a flat rate of three shillings. The yield is expected to be £600 a year. The scheme has the full support and endorsement of the people of Calabar expressed through their newly organised Native Administration Council. Private consumers will be exempted from paying this rate but will pay for water as supplied, and the revenue from that charge is expected to be £450. Firms and Government institutions will consume water to the extent of £300 and £500 in charges a year. These items of revenue should be ample to cover the annual expenditure.

Honourable Members have had an opportunity of seeing the details of the scheme in Sessional Paper, No. 32, which has been laid on the table of the House.

**The Hon. Mr. G. Graham Paul (Extraordinary Member):—**

Your Excellency, I should like to say a word on this resolution, and in the first place I will allay Your Excellency's anxiety and that of the Honourable the Senior Resident for Calabar, by saying at once that I am not opposing this resolution but seconding it.

I understand that my ten years of Legislative Council life have just about ended, and having regard to the persistent efforts that I have made in this Council to get something for Calabar, I think I may regard it as a gracious act that with my dying breath as a member of the Legislative Council I should be allowed to second this resolution.

**The Hon. the Member for Calabar (Mr. C. W. Clinton):—**

Your Excellency, I also desire, as representing the people of Calabar, to second this motion and I thank the Government and this House for the concession that has been given. I in my small way have also been endeavouring to further this scheme for the water supply of Calabar. I am sure the people of Calabar will all appreciate the scheme, and will all be very thankful for it. I beg to second the resolution.

*The resolution was adopted.*

**His Honour the Acting Lieutenant-Governor, Southern Provinces:—**

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

- “ Be it resolved: That this Council consents to assistance  
 “ being given to the Ife Native Administration's Water  
 “ Supply Scheme for Ife Town, the details of which  
 “ are given in Sessional Paper No. 35 of 1933, in the  
 “ form of a free grant of £10,000 and a loan of £6,000  
 “ at six *per cent.* per annum from Loan Funds towards  
 “ the Capital cost, the balance of £3,964 being provided  
 “ by the Ife Native Administration.”

I am sure I need add little to the Sessional Paper in order to induce this Council to grant to the spiritual fount of the Yoruba race a material fount of potable water. Loan Funds voted for such admirable projects are available, and the progressive Ife Native Administration is ready and anxious to shoulder its share of the cost. The estimated annual revenue provides a sound security for the loan of £6,000 at six *per cent.* It only remains for this Council to adopt the rôle of Moses and to smite the rock of the Ora Hills with a £10,000 rod for its water to gush forth and quench the thirst of a deserving people.

**The Hon. the Director of Public Works:—**

I should like to be permitted to say that this scheme has been evolved by Mr. R. Jones, who has been the engineer to the Oyo Native Administration for many years. With his customary insight and good judgment he found in the Ora Hills a source which will permit of a gravitation supply and so avoid the heavy capital cost and recurrent expenses of erecting pumping plant. The operating costs have been reduced to a minimum and the estimated figure of £200 a year ought to be considered satisfactory for a scheme of this magnitude.

**His Excellency:—**

I am glad the Honourable Member has mentioned the fact that this scheme has been formulated by Mr. Jones. He is entitled to the greatest credit for it.

*The resolution was adopted.*

**BILLS.****His Excellency:—**

Council is in Committee. I propose with the approval of the Council, which I seek, that we should turn to page 7 of the Report of the Select Committee and that the adoption of the Report as far as it deals with the accepted Bills, that is, beginning with the Interpretation Ordinance, should be taken, and I would ask the Honourable Mr. Graham Paul if he will be so good as to take the place of the Honourable Attorney-General for a few moments, and move the adoption of the Report in each of those cases. I want to make the provisions of one clause of the Protectorate Courts Bill somewhat more liberal than the Report of the Committee recommends, and I have asked the Honourable Attorney-General to withdraw for a moment in order to effect if possible what I want.

If the Honourable Member will, on behalf of the Honourable Attorney-General, move the adoption of the Report on the Bills beginning with the Interpretation Bill, I shall be obliged to him.

**THE INTERPRETATION (AMENDMENT) ORDINANCE, 1933.****The Hon. Mr. G. Graham Paul (Extraordinary Member):—**

Sir, I beg to move that the Report of the Select Committee appointed to consider a Bill entitled "An Ordinance to amend the Interpretation Ordinance" be adopted.

**A BILL ENTITLED****AN ORDINANCE TO AMEND THE INTERPRETATION ORDINANCE.**

The Select Committee recommends that the Bill be enacted without amendment.

A. C. V. PRIOR,  
*Chairman.*

1st November, 1933.

**His Excellency:—**

Agreed to.

## THE NOTARIES PUBLIC (AMENDMENT) ORDINANCE, 1933.

The Hon. Mr. G. Graham Paul (Extraordinary Member):—

Sir, I beg to move that the Report of the Select Committee appointed to consider a Bill entitled "An Ordinance to amend the Notaries Public Ordinance" be adopted.

## A BILL ENTITLED

AN ORDINANCE TO AMEND THE NOTARIES PUBLIC ORDINANCE.

The Select Committee recommends that the Bill be enacted without amendment.

A. C. V. PRIOR,  
*Chairman.*

1st November, 1933.

His Excellency:—

Agreed to.

## THE MEDICAL PRACTITIONERS AND DENTISTS (AMENDMENT No. 2) ORDINANCE, 1933.

The Hon. Mr. G. Graham Paul (Extraordinary Member):—

Sir, I beg to move that the Report of the Select Committee appointed to consider a Bill entitled "An Ordinance to amend the Medical Practitioners and Dentists Ordinance" be adopted.

## A BILL ENTITLED

AN ORDINANCE TO AMEND THE MEDICAL PRACTITIONERS AND DENTISTS ORDINANCE.

The Select Committee recommends that the Bill be enacted without amendment.

A. C. V. PRIOR,  
*Chairman.*

1st November, 1933.

His Excellency:—

Agreed to.

## THE CORONERS (AMENDMENT) ORDINANCE, 1933.

The Hon. Mr. G. Graham Paul (Extraordinary Member):—

Sir, I beg to move that the Report of the Select Committee appointed to consider a Bill entitled "An Ordinance to amend the Coroners Ordinance" be adopted.

## A BILL ENTITLED

AN ORDINANCE TO AMEND THE CORONERS ORDINANCE.

The Select Committee recommends that the Bill be enacted without amendment.

A. C. V. PRIOR,  
*Chairman.*

1st November, 1933.

His Excellency:—

Agreed to.

THE FUGITIVE CRIMINALS SURRENDER (AMENDMENT) ORDINANCE,  
1933.

The Hon. Mr. G. Graham Paul (Extraordinary Member):—

Sir, I move that the Report of the Select Committee appointed to consider a Bill entitled "An Ordinance to amend the Fugitive Criminals Surrender Ordinance" be adopted.

A BILL ENTITLED

AN ORDINANCE TO AMEND THE FUGITIVE CRIMINALS SURRENDER  
ORDINANCE.

The Select Committee recommends that the Bill be enacted without amendment.

A. C. V. PRIOR,  
*Chairman.*

1st November, 1933.

His Excellency:—

Agreed to.

THE OFFICIAL OATHS (AMENDMENT) ORDINANCE, 1933.

The Hon. Mr. G. Graham Paul (Extraordinary Member):—

Sir, I move that the Report of the Select Committee appointed to consider a Bill entitled "An Ordinance to amend the Official Oaths Ordinance" be adopted.

A BILL ENTITLED

AN ORDINANCE TO AMEND THE OFFICIAL OATHS ORDINANCE.

The Select Committee recommends that the Bill be enacted without amendment.

A. C. V. PRIOR,  
*Chairman.*

1st November, 1933.

His Excellency:—

Agreed to.

THE LUNACY (AMENDMENT) ORDINANCE, 1933.

The Hon. Mr. G. Graham Paul (Extraordinary Member):—

Sir, I move that the Report of the Select Committee appointed to consider a Bill entitled "An Ordinance to amend the Lunacy Ordinance" be adopted.

A BILL ENTITLED

AN ORDINANCE TO AMEND THE LUNACY ORDINANCE.

The Select Committee recommends that the Bill be enacted without amendment.

A. C. V. PRIOR,  
*Chairman.*

1st November, 1933.

His Excellency:—

Agreed to.

## THE MARRIAGE (AMENDMENT) ORDINANCE, 1933.

The Hon. Mr. G. Graham Paul (Extraordinary Member):—

Sir, I move that the Report of the Select Committee appointed to consider a Bill entitled "An Ordinance to amend the Marriage Ordinance" be adopted.

## A BILL ENTITLED

## AN ORDINANCE TO AMEND THE MARRIAGE ORDINANCE.

The Select Committee recommends that the Bill be enacted without amendment.

A. C. V. PRIOR,  
*Chairman.*

1st November, 1933.

His Excellency:—

Agreed to.

## THE LIQUOR (AMENDMENT NO. 2) ORDINANCE, 1933.

The Hon. Mr. G. Graham Paul (Extraordinary Member):—

Sir, I move that the Report of the Select Committee appointed to consider a Bill entitled "An Ordinance to amend the Liquor Ordinance" be adopted.

## A BILL ENTITLED

## AN ORDINANCE TO AMEND THE LIQUOR ORDINANCE.

The Select Committee recommends that the Bill be enacted without amendment.

A. C. V. PRIOR,  
*Chairman.*

1st November, 1933.

His Excellency:—

Agreed to.

## THE BILLS OF SALE (AMENDMENT) ORDINANCE, 1933.

The Hon. Mr. G. Graham Paul (Extraordinary Member):—

Sir, I move that the Report of the Select Committee appointed to consider a Bill entitled "An Ordinance to amend the Bills of Sale Ordinance" be adopted.

## A BILL ENTITLED

## AN ORDINANCE TO AMEND THE BILLS OF SALE ORDINANCE.

The Select Committee recommends that the Bill be enacted without amendment.

A. C. V. PRIOR,  
*Chairman.*

1st November, 1933.

His Excellency:—

Agreed to.

## THE ALIENS (AMENDMENT) ORDINANCE, 1933.

The Hon. Mr. G. Graham Paul (Extraordinary Member):—

Sir, I move that the Report of the Select Committee appointed to consider a Bill entitled "An Ordinance to amend the Aliens Ordinance" be adopted.

## A BILL ENTITLED

## AN ORDINANCE TO AMEND THE ALIENS ORDINANCE.

The Select Committee recommends that the Bill be enacted without amendment.

A. C. V. PRIOR,  
*Chairman.*

1st November, 1933.

His Excellency:—

Agreed to.

## THE POLICE (AMENDMENT) ORDINANCE, 1933.

The Hon. Mr. G. Graham Paul (Extraordinary Member):—

Sir, I move that the Report of the Select Committee appointed to consider a Bill entitled "An Ordinance to amend the Police Ordinance, 1930" be adopted.

## A BILL ENTITLED

## AN ORDINANCE TO AMEND THE POLICE ORDINANCE, 1930.

The Select Committee recommends that the Bill be enacted without amendment.

A. C. V. PRIOR,  
*Chairman.*

1st November, 1933.

His Excellency:—

Agreed to.

## THE CRIMINAL CODE (AMENDMENT) ORDINANCE, 1933.

The Hon. Mr. G. Graham Paul (Extraordinary Member):—

Sir, I move that the Report of the Select Committee appointed to consider a Bill entitled "An Ordinance to amend the Criminal Code Ordinance" be adopted.

## A BILL ENTITLED

## AN ORDINANCE TO AMEND THE CRIMINAL CODE ORDINANCE.

The Select Committee recommends that the Bill be enacted without amendment.

A. C. V. PRIOR,  
*Chairman.*

1st November, 1933.

His Excellency:—

Agreed to.

## THE LEGAL PRACTITIONERS ORDINANCE, 1933.

The Hon. Mr. G. Graham Paul (Extraordinary Member):—

Sir, I move that the Report of the Select Committee appointed to consider a Bill entitled "An Ordinance to amend the law relating to Legal Practitioners" be adopted.

## A BILL ENTITLED

## AN ORDINANCE TO AMEND THE LAW RELATING TO LEGAL PRACTITIONERS.

The Select Committee recommends that the Bill be enacted with the following amendment:—

Clause 30. For "prattitioner" substitute "practitioner".

A. C. V. PRIOR,  
*Chairman.*

1st November, 1933.

His Excellency:—

Agreed to.

*Council resumed.*

His Excellency:—

Will the Honourable Member now be so good as to move that those same Bills be read a third time?

## THE INTERPRETATION (AMENDMENT) ORDINANCE, 1933.

On the motion of the Honourable Mr. G. Graham Paul, seconded by the Honourable Mr. E. M. Falk, the Bill was read a third time and passed.

## THE NOTARIES PUBLIC (AMENDMENT) ORDINANCE, 1933.

On the motion of the Honourable Mr. G. Graham Paul, seconded by the Honourable Mr. E. M. Falk, the Bill was read a third time and passed.

## THE MEDICAL PRACTITIONERS AND DENTISTS (AMENDMENT No. 2) ORDINANCE, 1933.

On the motion of the Honourable Mr. G. Graham Paul, seconded by the Honourable the Director of Medical and Sanitary Service, the Bill was read a third time and passed.

## THE CORONERS (AMENDMENT) ORDINANCE, 1933.

On the motion of the Honourable Mr. G. Graham Paul, seconded by the Honourable the Senior Resident, Calabar Province, the Bill was read a third time and passed.

## THE FUGITIVE CRIMINALS SURRENDER (AMENDMENT) ORDINANCE, 1933.

On the motion of the Honourable Mr. G. Graham Paul, seconded by the Honourable the Senior Resident, Calabar Province, the Bill was read a third time and passed.

**THE OFFICIAL OATHS (AMENDMENT) ORDINANCE, 1933.**

On the motion of the Honourable Mr. G. Graham Paul, seconded by the Honourable the Director of Marine, the Bill was read a third time and passed.

**THE LUNACY (AMENDMENT) ORDINANCE, 1933.**

On the motion of the Honourable Mr. G. Graham Paul, seconded by the Honourable the Director of Marine, the Bill was read a third time and passed.

**THE MARRIAGE (AMENDMENT) ORDINANCE, 1933.**

On the motion of the Honourable Mr. G. Graham Paul, seconded by the Honourable the Acting Deputy Chief Secretary, the Bill was read a third time and passed.

**THE LIQUOR (AMENDMENT No. 2) ORDINANCE, 1933.**

On the motion of the Honourable Mr. G. Graham Paul, seconded by the Honourable the Acting Deputy Chief Secretary, the Bill was read a third time and passed.

**THE BILLS OF SALE (AMENDMENT) ORDINANCE, 1933.**

On the motion of the Honourable Mr. G. Graham Paul, seconded by the Honourable Mr. G. B. Hebden, the Bill was read a third time and passed.

**THE ALIENS (AMENDMENT) ORDINANCE, 1933.**

On the motion of the Honourable Mr. G. Graham Paul, seconded by the Honourable Mr. G. B. Hebden, the Bill was read a third time and passed.

**THE POLICE (AMENDMENT) ORDINANCE, 1933.**

On the motion of the Honourable Mr. G. Graham Paul, seconded by the Honourable the General Manager of the Railway, the Bill was read a third time and passed.

**THE CRIMINAL CODE (AMENDMENT) ORDINANCE, 1933.**

On the motion of the Honourable Mr. G. Graham Paul, seconded by the Honourable Captain J. Calder Wood, M.C., the Bill was read a third time and passed.

**THE LEGAL PRACTITIONERS ORDINANCE, 1933.**

On the motion of the Honourable Mr. G. Graham Paul, seconded by the Honourable Captain J. Calder Wood, M.C., the Bill was read a third time and passed.

*Council in Committee.*

**THE NATIVE AUTHORITY ORDINANCE, 1933.**

**The Hon. the Attorney-General:—**

Sir, I move the adoption of the Report of the Select Committee appointed to consider a Bill entitled "An Ordinance to prescribe the powers and duties of Native Authorities."

## A BILL ENTITLED

## AN ORDINANCE TO PRESCRIBE THE POWERS AND DUTIES OF NATIVE AUTHORITIES.

The Select Committee recommends that the Bill be enacted with the following amendments:—

Clause 14 (1). Delete " chief or ".

Clause 20. Amend clause so that it shall read as follows:—

" 20. The Governor may make rules for all or any of the following purposes, that is to say:—

" (a) for the regulation and government of prisons which are under the control of Native Authorities, and providing for and regulating the remission of a portion of the sentences of prisoners detained in such prisons, and

" (b) for the better carrying into effect of the purposes and provisions of this Ordinance."

A. C. V. PRIOR.

*Chairman.*

1st November, 1933.

His Excellency:—

Agreed to.

## THE NATIVE COURTS ORDINANCE, 1933.

## The Hon. the Attorney-General:—

Sir, I move the adoption of the Report of the Select Committee appointed to consider a Bill entitled " An Ordinance to make better provision for the administration of justice and the constitution of Native Courts in the Protectorate."

## A BILL ENTITLED

## AN ORDINANCE TO MAKE BETTER PROVISION FOR THE ADMINISTRATION OF JUSTICE AND THE CONSTITUTION OF NATIVE COURTS IN THE PROTECTORATE.

The Select Committee recommends that the Bill be enacted with the following amendments:—

Clause 12. For " 44 " substitute " 45."

Clause 13 (2). For " otherwise." substitute " otherwise, and, " where an appeal against the conviction lies to the High Court, " shall notify the Registrar of the High Court of such conviction

“ and of the date on which the case was concluded in the Native Court, and, where sentence is pronounced in another court under section 9, of the date upon which such sentence was pronounced.”

Clause 14 (1). For “ No sentence ” substitute “ Except in such cases as the Governor may by Order otherwise direct, no sentence ”.

Clause 19. For “ 44 ” substitute “ 45.”

Clause 23. After “ such Native Courts ” add “ (including Native Courts of Appeal) ”.

After “ any suit ” insert “ or appeal ”.

For “ lands,” substitute “ lands and being of a class designated in the Order,”.

After “ any Native Court ” add “ (including a Native Court of Appeal).”

Clause 25 (1) (a). For “ revise ” substitute “ review.”

For the proviso substitute the following proviso:—

“ provided that the Resident or District Officer shall not increase any sentence of fine or imprisonment or other sentence in any criminal proceeding, or make any order in any civil proceeding to the prejudice of any party in such proceeding, without first giving the accused or such party, as the case may be, an opportunity to be heard.”

Clause 25 (2). For the proviso substitute the following proviso:—

“ provided that the Resident shall not increase a sentence passed by a District Officer, or annul any order made by a District Officer or substitute therefor any other order to the prejudice of any party, without first giving the accused or such party, as the case may be, an opportunity to be heard.”

Clause 25 (8). For “ revising ” substitute “ reviewing.”

Clause 27. Insert “ Appeals ” as marginal note.

Clause 27 (1) (i). For “ where there is a Native Court of Appeal (other than a Final Native Court of Appeal) the person aggrieved may, if he so desires,” substitute “ the person aggrieved may, if he so desires, where there is a Native Court of Appeal (other than a Final Native Court of Appeal),”.

Clause 36. Insert after sub-clause (1) the following sub-clause:—

“(2) The Governor in the exercise of his appellate jurisdiction under this Ordinance may order a cause or matter to be re-heard before the High Court.”

Re-number original sub-clause (2) as sub-clause (3).

Insert between clause 43 and clause 44 the following clause:—

“44. The Chief Secretary to the Government shall  
 “ cause—  
 “ (a) the jurisdiction and power set forth in the warrant  
 “ of every Native Court and any suspension,  
 “ cancellation or variation thereof, and  
 “ (b) the appeal courts for every Native Court,  
 “ to be notified in the Gazette.”

Clause 44. Re-number this clause as clause 45.

After paragraph (3) insert the following paragraph:—

“(4) the recording and perpetuation of the decisions of  
 “ Native Courts in land cases by reference to plans  
 “ and the fixing of landmarks, and the fees which  
 “ may be charged by surveyors for any work done  
 “ for the purposes of any rules made under this  
 “ paragraph;”

Re-number paragraphs (4), (5) and (6) as paragraphs (5), (6) and (7) respectively.

Clause 45. Re-number this clause as clause 46.

Schedule. In the part of the Schedule relating to Grade D insert between the words “ three months,” and the words “ twelve strokes,” the words “ or in the case of theft of farm produce or live stock by imprisonment for six months.”

Substitute throughout the Bill “ Native Court ” and “ Native Courts ” for “ native court ” and “ native courts ” respectively.

A. C. V. PRIOR,  
*Chairman.*

1st November, 1933.

His Excellency:—  
 Agreed to.

**The Hon. the First Lagos Member (Mr. E. O. Moore):—**

I wish to ask for your ruling, Sir. Some of the unofficial members have amendments on this Bill. Is this the proper time to make amendments?

**His Excellency:—**

It is proper for any Honourable Member to move an amendment to the Report of the Select Committee at this stage. If the Honourable Member will give me in writing what his amendment is, whether it is to delete, or to add, or to substitute something, I will consider it.

THE HON. THE FIRST LAGOS MEMBER handed two proposed amendments to the Bill to His Excellency.

**His Excellency:—**

The proposed amendment to clause 8 is an amendment to the Bill rather than to the Report of the Select Committee. The proper way for the Honourable Member to move that is to move the addition of the words to the Report.

**The Hon. the Commercial Member for Lagos (Mr. R. F. Irving):—**

On a point of order, Sir, May I ask if it is not the case that the Report itself cannot be amended?

**His Excellency:—**

What does the Attorney-General say?

**The Hon. the Attorney-General:—**

I think, Your Excellency, that a Member can move, for example, that amendment A take the place of an amendment B proposed in the Report, or that amendment A be added to the amendments proposed in the Report.

**His Excellency:—**

The Council may if it wishes throw out the whole Report, and if it can throw it out, it can amend and add to it.

**The Hon. the Commercial Member for Lagos (Mr. R. F. Irving):—**

I understood that the Report having been made, it therefore stands.

**His Excellency:—**

The effect is exactly the same whether the amendment is taken now or on the third reading of the Bill. I only do not want to go over the whole Bill again clause by clause. The question is that the Report be adopted. The Honourable First Lagos Member is going to move an amendment, and if it is thrown out the Report will stand.

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

I beg to move, Sir, that clause 8 be amended by altering the full stop to a comma after the word "tribunals" and adding the words "provided always that the value of land to be adjudicated upon shall not exceed that of the civil jurisdiction of such Court as provided for by the schedule to the Ordinance."

The effect of this amendment, Sir, if passed by Council would be to take away the executive jurisdiction of the native courts in land matters. As Honourable Members have pointed out in this Council the question of land is a very important one to the natives of Nigeria, and I think it would be to their great interest if the High Court of the Protectorate were to be given original jurisdiction in trying land cases, and it is for that purpose that I have moved this amendment.

The Hon. the Member for Calabar (Mr. C. W. Clinton):—

I should like to say, Your Excellency, that the effect of this amendment will be that Native Courts of Grade A will not be affected at all, because I see from the Schedule to the Bill that Grade A Courts will have full jurisdiction over all cases, civil cases, criminal cases, and I suppose land cases as well. I take it that this full jurisdiction means the same jurisdiction as the High Court or the Supreme Court would have, including land matters. This motion if allowed will affect only Native Courts of Grades B, C and D. Native Courts of Grade B have civil jurisdiction in actions in which the debt, demand or damages do not exceed £100, so that the effect of this amendment would be that they would also have jurisdiction in land matters where the value of the land is up to £100. It has been said that the native courts and native administration cannot operate properly unless the chiefs are given jurisdiction of some importance. I submit, Sir, that that may be true as regards chiefs who exercise jurisdiction in Grade A Native Courts, but when we get beyond the Niger, that is to say, on the eastern side of the Niger, conditions are very different. It cannot be said that the chiefs there are of the high intellectual standard such as some of the chiefs in the North, or an important chief like the Alake of Abeokuta. I personally fail to understand therefore why it is that the chiefs of the lower grades native courts should be given jurisdiction in land cases corresponding to the jurisdiction enjoyed by the Supreme Court, when in ordinary cases they have jurisdiction only up to £100. I think, Sir, that they should have the ordinary jurisdiction in land cases corresponding to the jurisdiction they have in other cases, such as contract, tort and cases of that nature. We ask that the matter be seriously considered. It involves a serious issue for the people of this country. Government knows that even where these cases have come before the Provincial Courts, the parties constantly ask for a transfer to the Supreme Court to enable them to get assistance in the conduct of their cases. If this amendment is disallowed it will mean that the natives of the country who have enjoyed the privilege of bringing their land cases before the Provincial Courts will lose

that privilege. This Bill is intended to put the natives in a better position than they were in under the Provincial Courts Ordinance, but I am afraid if this section in the Bill stands, they will be in a worse position so far as land cases are concerned.

**His Honour the Acting Lieutenant-Governor, Southern Provinces:—**

Your Excellency, I am afraid the Honourable Member for Calabar is under a misapprehension as to the extent of the jurisdiction of the Native Courts in the Eastern Provinces for they all at present have full jurisdiction in land cases, and I am unable to agree with his contention. The other point that his constituents or the people generally of the Calabar Province are consumed with a desire to have the assistance of legal practitioners in land cases, I should not dream of suggesting that the boot is on the other leg. These courts have been accustomed from time immemorial to hear their own land cases. I entirely agree with him that the native attaches the highest importance to a land case, and he is most reluctant to allow it to go by the board without exploring every avenue to reverse the decision. A District Officer remarked to me the other day that in almost every land case in his division there is an application for review, not because there are any merits very often in the case, but because the native hopes to find some, shall we say, gullible District Officer, or even, shall we say, some gullible judge. I am very reluctant to allow these classes of land cases exceeding £25 in value to be transferred from, say, a "D" Grade Native Court to the High Court of the Protectorate so that legal practitioners may appear. I am convinced that it would be very easy for them to persuade the court that the land exceeded £25 in value, and they would take it out of the hands of those best suited to try such cases, and besides this there are innumerable land disputes that are really of a petty nature.

**The Hon. the Member for the Ibo Division (The Venerable Archdeacon G. T. Basden):—**

Your Excellency, I feel that I cannot support this amendment. For over thirty years I have been watching land cases in the Ibo country and in the Eastern Provinces generally, and it is only in recent years that these land questions have become acute. In the olden days the people themselves settled their boundaries in their own way, and going back to the "good old days" I remember one District Commissioner who wanted to settle a land case who moved out of his camp, had the chiefs brought before him and sat down. The chiefs wandered about and wasted time until at the end of the day when it was time to go home and get food the District Commissioner said: "when the land case is finished we will go home." That land boundary was settled within an hour. Every man knows where his land is (His Excellency—Hear, hear) and they all know their boundaries very well. I must add that so much litigation has cost the people a very great deal of money in many cases, and they are exhausted and tired out with what is going on.

His Excellency:—

I regret that Government is not able to accept the amendment. It must have been moved under a misapprehension that we are exercising powers as regards land on Native Courts they have had before. This question does not arise in the North where is a different system of land tenure, but in the South, every Native Court from the lowest grade up has full jurisdiction in all cases. At the present time one of the safeguards is that every man knows where his own land is and whose the land is, and he is afraid to enter an impudent claim before a Native Court which he would enter in a white man's court. He is ashamed and afraid to do it. At the present moment every one of those courts has full jurisdiction in land cases, but the successful man has no appeal unless he can get the District Officer to move. He cannot compel the District Officer, and in all cases under the new Bill he will have the right of appeal, and in all those parts of the Eastern Provinces with which the Honourable Member is concerned (which I will call within the sphere of the Supreme Court in land cases) the appeal will be to the Magistrate's Courts. Over and above that the Resident has the power, which he will be told to exercise, of transferring a complicated land case to the High Court or to a Magistrate's Court. The interests of the litigant are much improved under this Bill, and it is not a step backwards by any means. I regret the Government cannot accept the amendment.

*The amendment was not adopted.*

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

I beg to move, Sir, that clause 21 be amended by deleting the words "an agent being a native" and substituting the word "a" before the words "person administering".

His Excellency:—

The clause would then read: "or a person administering the estate of a native." What is the object of that?

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

With all due deference, Sir, I fail to see the object of allowing an agent to administer an estate, and I do not see why the person administering the estate should not himself appear in court.

His Excellency:—

Is the Council in favour of the proposed amendment?

The Hon. the Member for Calabar (Mr. C. W. Clinton):—

I support the motion Your Excellency, the idea being to exclude the agent. There is no reason why an agent should be empowered to go to court and speak on behalf of anybody else, where he is not a qualified person. Why an agent should go to court and act as a solicitor in court we cannot understand, and that is what we are seeking to avoid by proposing the elimination of those

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to prevent a person who is administering an estate from appointing an agent to go and act as solicitor or counsel for him, but it does not prevent him from giving his power of attorney to a friend or a steed as administrator. That is the object of the

**His Excellency:—**

As amended as proposed it means that he must go to court to let me state a case. A man or a woman dies at Port Harcourt; he or she had an interest in land, say, at Aba and somewhere up the line. Surely you are going to permit the administrator to appoint an agent to appear for him at Aba, or Port Harcourt, or anywhere else instead of making him go there himself at the expense of the estate to great expense?

**Hon. the Member for Calabar (Mr. C. W. Clinton):—**

That section remains, Sir, it will enable the agent not only to go to court and act as the principal would act, but it would enable him to act as a solicitor. That is what we are endeavouring to do.

It is quite unnecessary to give him that power, because the principal can give him a power of attorney to act for him in every way in which the principal himself would act, but not as a solicitor.

**His Excellency:—**

Under your amendment only the person administering the estate is to be allowed to act and nobody else.

**The Hon. the Member for Calabar (Mr. C. W. Clinton):—**

Under the amendment there will be nothing to prevent the principal from giving power of attorney to an agent to act in his stead. It need not necessarily be a written power of attorney under native law and custom. We are afraid that this section as it stands will enable letter writers and other people who act for natives appear in court on behalf of an administrator. We know of cases where it has been done where an Accra or Cape Coast man has been deputed to go to Calabar and act as lawyer or solicitors for the parties. That is what we are seeking to avoid. Our contention is to prevent letter writers from assuming the rôle of lawyers.

**His Excellency:—**

The Honourable Member's contention is this: that if you strike out the words "an agent, being a native, of" and the section reads "or a person administering the estate of a native" a native who is administering an estate in Port Harcourt will be able by a written document to get the Native Court to recognise somebody appointed by him to appear for him in a given case. Is that so?

**The Hon. the Member for Calabar (Mr. C. W. Clinton):—**

Yes, Your Excellency. I think native law and custom would cover that. I would also point out that if you strike out those words in the third line from the end, you could also strike out all the words in the section after "behalf". The other words would have no provision for a person who did not appear in person.

**His Excellency:—**

I would like to ask the Honourable Senior Resident, Calabar Province, if he thinks a native court would recognise an ordinary letter written by "A" at Port Harcourt to the Native Court at Aba requesting them to allow a person to appear on behalf of the writer in the administration of an estate?

**The Hon. the Senior Resident, Calabar Province:—**

I am inclined to think the Native Court would not accept it.

**The Hon. Mr. G. Graham Paul (Extraordinary Member):—**

Might I ask, Sir, whether the Honourable Attorney-General is satisfied that this clause with reference to an agent of a person administering an estate will not enable persons of the class which I might describe generally as "letter writers" to foment litigation whenever somebody dies and charge the representatives of the deceased exorbitant fees, and who would be able to turn round and say: "I am not practising as a solicitor, but I am doing work as an agent specially authorised under the Native Courts Ordinance?" That to my mind is where I see some importance in this amendment.

**The Hon. the Attorney-General:—**

I cannot exclude that possibility.

**The Hon. the Member Representing the Niger African Traders (Mr. B. O. -E. Amobi):—**

In matters affecting the administration of estates in Ibo land a native who is a relative of the deceased's family is entitled to appear on behalf of that family. A relative or the next of kin can appear on behalf of the deceased's family to administer his estate. That is the native custom.

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

I can see the reason for this section being inserted by the Government, Sir, but the difficulty I see is this, that today there are, and in the near future there will be, in the Protectorate quite a number of barristers who are natives. If this section remains as it is at present worded "or an agent, being a native," it will mean that

although there is this legislation designed to protect the people from paying big fees, yet there will be nothing to prevent a barrister or a solicitor who is a native going to the Native Court and saying: "I am acting as the agent of so and so" and charging his usual fees.

**His Excellency:—**

Would it meet the wishes of the Honourable Members who have spoken in support of the amendment if we substitute for the words "or an agent, being a native" the words "or a relative"?

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

That is the native custom, Your Excellency.

**His Excellency:—**

If the Honourable Member will withdraw his amendment, I will commit that section. The question then is that the Report of the Select Committee on the Native Courts Bill be adopted.

*Report adopted.*

**The Hon. the Attorney-General:—**

Sir, I move that clause 21 be amended by the deletion of the words "or an agent, being a native." and by the substitution of the words "or a relative." The clause will then read "or a relative of a person administering the estate of a native....."

**His Excellency:—**

Do the Honourable Members from the Ibo country agree that it should be a male relative?

**The Hon. Mr. G. Graham Paul (Extraordinary Member):—**

I do not think that would be quite fair to the Efiks where estates are sometimes administered by women.

There was a slight diversity of opinion amongst several Honourable Members and His Excellency agreed that the word "male" should not be included in the clause before "relative".

**His Excellency:—**

The Bill can now be reported to the Council as amended.

#### THE PROTECTORATE COURTS ORDINANCE, 1933.

**The Hon. the Attorney-General:—**

Sir, I move the adoption of the Report of the Select Committee appointed to consider a Bill entitled "An Ordinance to make better provision for the administration of justice and to constitute new courts in the Protectorate." When that motion has been put to the Council I shall then move amendments to clause 49.

## A BILL ENTITLED

AN ORDINANCE TO MAKE BETTER PROVISION FOR THE ADMINISTRATION OF JUSTICE AND TO CONSTITUTE NEW COURTS IN THE PROTECTORATE.

The Select Committee recommends that the Bill be enacted with the following amendments:—

Clause 2. Insert immediately after definition of Judge the following definition—

“ ‘Justice of the Peace’ means any person appointed by  
“ the Governor to be a Justice of the Peace in and  
“ for the Protectorate or in and for any part thereof.”

Clause 4 (4). Delete “ in any other emergency ” and substitute “ where for any other reason there is not in the opinion of the Governor a sufficient number of Judges or Assistant Judges available,”.

Clause 4 (5). For “ The Governor,” substitute “ Without derogating from the powers of the Governor under sub-section (4), the Governor,”.

Delete “ by writing under his hand ”.

Clause 7 (4). For this clause substitute the following clause:—

“ (4) If no Magistrate is available for the Magistrate’s  
“ Court in any area, or where in respect of any area  
“ the Governor for any other reason considers it  
“ necessary so to do, the Governor may by warrant  
“ under his hand confer upon any person being a  
“ District Officer or a Justice of the Peace the powers  
“ of a Magistrate, or such of those powers as the  
“ Governor may designate in the warrant, and until  
“ the Governor revokes the warrant such person sha’l  
“ be deemed to be a Magistrate with such powers in  
“ and for such area.”

Clause 9. For “ High Court,” where these words occur at the end of paragraph (a) substitute “ High Court, and ”.

Clause 19 (1). Insert “ charged ” immediately after “ districts and ”.

Clause 32. For “ fifty ” substitute “ one hundred ” at each of the two places where “ fifty ” occurs.

For “ in any suit not falling within paragraph (b) which  
“ raises any issue as to the title to land or any interest  
“ therein.”

Substitute " in suits which raise any issue as to the title  
 " to land or any interest therein in cases in which  
 " the suit is subject to the jurisdiction of a Native  
 " Court."

Clause 33. For this clause substitute the following clause:—  
 " Criminal  
 " Cases,  
 " Chapter  
 " 2 )"  
 " 33. Subject to the conditions prescribed by the  
 " Criminal Procedure Ordinance so far as the  
 " same are applicable, every Magistrate's Court  
 " shall have jurisdiction for the summary trial  
 " and determination of criminal cases, that is to  
 " say,  
 " (a) Where any person is charged with any  
 " offence or act punishable either by fine not  
 " exceeding one hundred pounds or by  
 " imprisonment not exceeding twelve months  
 " or by both;  
 " (b) Where any person is charged with any  
 " offence or act punishable, or in respect of  
 " which any penalty may be recovered or  
 " order made for the payment of money,  
 " according to law upon summary conviction:  
 " (c) Where any person is charged with any  
 " offence appearing to be of such nature, that,  
 " if proved, it would be adequately punished  
 " with any one or other of the following  
 " punishments, namely:—imprisonment for  
 " not more than twelve months, or a fine not  
 " exceeding one hundred pounds—such fine  
 " in default of payment to be enforced by  
 " distress or by imprisonment for not more  
 " than twelve months; in each case with or  
 " without whipping not to exceed twelve  
 " strokes, and any additional or alternative  
 " punishment, in respect of offences for which  
 " such punishment may legally be inflicted:  
 " provided that the person charged when  
 " informed by the Magistrate of his right to  
 " be tried in the High Court consents to  
 " be dealt with by the Magistrate."

Clause 34. Insert "(1)" after "34".

Add the following sub-clause:—

(2) An Order by the Governor under the preceding sub-section authorising an increased jurisdiction in

criminal matters to be exercised by any Magistrate when sitting as a Magistrate's Court shall specify the maximum fine and the maximum period of imprisonment which is to replace the sum of one hundred pounds and the period of twelve months mentioned in paragraph (a) of the last preceding section, and on such Order being made the jurisdiction of the Magistrate's Court under paragraph (c) of the said section shall be deemed to be increased by the substitution in the said paragraph of—

- (a) the maximum fine so specified in the Order for the sum of one hundred pounds, and
- (b) the maximum period of imprisonment so specified in the Order for the period of twelve months at each of the places where the said period is mentioned in the said paragraph.

Clause 47 (2). Delete " before the hearing ".

Clause 49. (a) Insert "(1)" after "49"

- (b) Delete " provided always that in land cases where  
" the value of the property, as stated in the writ of  
" summons and as it appears to a Judge, exceeds  
" £200, the employment of such legal practitioners  
" shall, with the consent of the Judge, be permitted."

and substitute the following:—

" except in land cases—

- " (a) where the value of the property, as stated in the  
" writ of summons and as it appears to a Judge,  
" exceeds £200, and the Judge allows the employ-  
" ment of a legal practitioner, or
  - " (b) where the property is situated within any area  
" specified in the Second Schedule, or
  - " (c) where a case having come before a Magistrate's  
" Court on appeal from a Native Court is transferred  
" to the High Court under section 28 and a Judge  
" allows the employment of a legal practitioner."
- (d) Insert "(2)" before "Where an application".
- (d) Add the following sub-clause:—

" (3) The Governor may by Order in Council delete  
" from, vary or add to the Second Schedule,  
" any area."

Clause 50. Between " should " and " not be " insert " or  
" should ".

Clause 51. For " Second Schedule " substitute " Third  
" Schedule " in clause and in marginal note thereto."

First Schedule. Add " The Legal Practitioners Ordinance,  
" 1933 ".

After First Schedule insert the following Schedule:—

“ SECOND SCHEDULE ”.

“ (SECTION 49) ”.

Township or Town.	Extent of area.
Degema ... ..	A circle with a radius of five miles having its centre at the Court House, Degema.
Calabar ... ..	A circle with a radius of five miles having its centre at the Court House, Calabar.
Buguma ... ..	A circle with a radius of two miles having its centre at the Customs House, Buguma.
Bakana ... ..	A circle with a radius of two miles having its centre at the Customs House, Bakana.
Onitsha ... ..	The Township.
Warri ... ..	The Township.
Sapele ... ..	The Township.
Koko ... ..	The Township.
Forcados ... ..	The Township.
Burutu ... ..	The Township.
Bonny ... ..	The Township.
Opobo ... ..	The Township.
Port Harcourt ... ..	The Township.
Aba ... ..	The Township and Urban District.
Enugu ... ..	The Township and Urban District.

For the heading “ SECOND SCHEDULE ” wherever it occurs substitute the heading “ THIRD SCHEDULE ”.

A. C. V. PRIOR,  
Chairman.

1st November, 1933.

His Excellency:—

The Report is agreed to.

The Hon. the Attorney-General:—

Your Excellency, I have amendments to move in connexion with the recommendation of the Select Committee with reference to clause 49 of the Bill. If Honourable Members will refer to the recommendations in connexion with clause 49 they will see under paragraph (b) (p. 5 of the Report) that it was proposed to delete certain words and to substitute the following:—

“ except in land cases—

“ (a) where the value of the property, as stated in the writ of summons and as it appears to a Judge, exceeds £200, and the Judge allows the employment of a legal practitioner, or

“ (b) where the property is situated within any area specified in the Second Schedule, or

“(c) where a case having come before a Magistrate’s Court on appeal from a Native Court is transferred to the High Court under section 28 and a Judge allows the employment of a legal practitioner.”

With reference to paragraph (b) I move that after the words “Second Schedule” the word “or” be replaced by the word “and”, and that in paragraph (c) the words “(c) where a case” be replaced by the words “except in any case which” and the word “and” after the figure “28” by the word “where.”

Honourable Members will realise that the effect of these amendments will be to extend the exception in paragraph (c), which at present only refers to land cases, to all cases.

**His Excellency :—**

It has been moved that clause 49 be further amended in extension of the recommendation of the Select Committee in the manner indicated by the Honourable Attorney-General that a legal practitioner may appear in the High Court where the value of the property is over and above a certain amount: (b) in the Supreme Court area as scheduled in the Bill, and (c) not only in land cases but in all cases which come before a Magistrate’s Court on appeal from a Native Court and are transferred to the High Court. I have no doubt that will be accepted by Honourable Members. It is an extension of the Bill in favour of legal practitioners.

*The amendment was adopted.*

*Clause 50.*

**The Hon. the First Lagos Member (Mr. E. O. Moore):—**

I have an amendment to clause 50, Your Excellency.

The amendment was handed in writing to His Excellency.

**His Excellency :—**

The Select Committee has recommended that it should read at the end: “should or should not be allowed.” The Honourable Member moves that that be deleted?

**The Hon. the First Lagos Member (Mr. E. O. Moore):—**

I see no necessity for the section at all. The Judge is there to decide whether or not the case should be allowed.

**His Excellency :—**

I will consider it.

**His Honour the Acting Lieutenant-Governor, Southern Provinces :—**

Your Excellency, I should like to take this opportunity to say a few words on this Bill from the administrative point of view of the Southern Provinces. Arising out of this Bill there seem

to be two main issues which overshadow all others, on the one hand the creation of a new type of court instead of extending the Supreme Court, and on the other hand the exclusion of legal practitioners from certain classes of case, especially land cases. I will deal with the second point first.

The jurisdiction of native courts as regards practice and procedure is regulated by native law and custom, and under native law and custom the pleader is unknown and is uncalled for. The Native Administration judges are well versed in their own law and custom and require no professional aid. Legal technicalities do not arise and I do not know of any case in which a Native Court has thrown out a cause on the ground of errors in procedure. When an appeal arises, assuming that it is not frivolous and vexatious, it is heard on its merits. In such circumstances when a case goes on appeal to the Magistrate's Court or to the High Court it is unnecessary that the Magistrate or the Judge should receive the assistance of a legal practitioner versed not in native law and custom, but in British law and custom. To judge whether a native court has decided on the merits of a case in a straight forward manner, and to introduce the legal practitioner, would complicate the issue and raise matters extraneous to the matter in hand. If a legal practitioner is barred when the suit commences, it seems only logical that he should be barred at the culmination of the case.

In relation to land cases I have already said that the native treats them as matters of the highest importance and almost invariably will appeal from a decision in a Native Court case. In ninety-nine cases out of a hundred it is not on the merits of the case but in the hope that he will get a reversal of the decision. Natives are quite improvident in that way and would waste their substance in riotous legal living. In my view while they are in for the most part a backward state, they should be protected from themselves in some degree. I could give several instances where they have wasted their substance in this way, but I will confine myself to one that occurred at a once well known but now somewhat decayed seaside resort on the South Coast. That case started in the Court of First Instance. The parties who lost the case then spent a good deal of money in going to the Divisional Court, where the result was the same. They then spent more money in going to the Full Court, and the result was still the same. They then started to raise funds and spent a good deal of money in preparing a case to go to the Privy Council, though in the end it did not get there, and then the sea came up and washed that piece of land away and when I saw them last they were still being summoned for the payment of the money borrowed in connexion with that case.

It seems to me then that it would be illogical to allow the legal practitioner to appear in appeals from land cases or other cases in native courts except in special circumstances. To my mind it would tend to foment litigation and I am convinced that in the present state of these embryonic native administrations and

native courts, especially in the Eastern Provinces, they should be free as far as possible from legal onsets, legal trammels, legal pitfalls, if they are not to lose their own soul.

As regards the question of the creation of the Protectorate Court rather than an extension of the Supreme Court, the principles underlying the two courts are fundamentally the same. Each Court provides a system of control by judges trained in the law. No good case can then be made against the High Court on the ground that it provides an inferior type of justice to the Supreme Court. The arguments that were levied against the Provincial Courts years ago cannot be applicable to the High Court. In the main the case against the High and Protectorate Courts is one of form rather than substance. It is against the flesh wherewith it is clothed rather than the spirit which inspires it. I will not deny that this reform is one of the highest importance which closely affects the people in the Southern Provinces and the Protectorate of Nigeria as a whole. In all cases, and particularly in backward countries, we should proceed very cautiously with changes in the law. If changes are to be made they should be as gradual and imperceptible as possible. If reforms are to be introduced, and I do not think anyone in this Council will deny that the time is ripe for reform, then those reforms should take the form that will least alter and disturb the way of life and habit of mind of the people. If the Provincial Court is to disappear, then the new system should resemble it as far as the required reforms permit. The people have been accustomed to the Provincial Court for many years and in form it is admirably suited to their needs. It has many virtues. It has the virtue of simplicity for its practice and procedure, and is as nearly in accord with native practice and procedure as the constitution of a British court permits. It also has the virtue of flexibility: it is able to move without delay and function at the place where the crime has been committed or the dispute has arisen. Its Rules of Procedure are more simple than those of the Supreme Court particularly in matters of technical and formal errors. It has also the virtue, which is of vital importance, that it provides a source—not a source of heavy expense to an agricultural people—but of an inexpensive and readily accessible form of justice. All these good qualities should be maintained in the new system, and I am convinced that some of these qualities will be maintained to a greater extent in the Protectorate and High Courts than they would be in the Supreme Court. In one respect the Supreme Court has failed, and that is in the matter of delay. A former Chief Justice of the Supreme Court said that delay is the greatest enemy in the efficient administration of justice, delay is disastrous, and delay is inherent in the Supreme Court system. It involves grievous delays owing to the impossibility of bringing the machinery of access to the Court to more than a few centres.

There is also the difficulty, as I remember years ago, of securing witnesses. At places sometimes long distant involving hardship to witnesses their attendance can often only be secured by treating them almost as criminals and guarding them as carefully as the accused persons themselves. To such handicaps I do not consider

that the High Court will be subject in anything like the same degree, and if delay is inherent in the Supreme Court system then it shows that faults are in that system. It is unable to provide universally a cheap means of obtaining justice which is essential to the good government of a largely poor and agricultural people.

In another respect the Protectorate Court will have perhaps an advantage over the Supreme Court in that it will be staffed to a large extent by Judges and Assistant Judges who will combine legal experience with a wide knowledge of the locality, the people, their habits and customs. It will also function with great simplicity, without the vestments and ritual of the Supreme Court, which I believe are a survival of the Ecclesiastical Courts of the Middle Ages, and which therefore are peculiarly English in conception and custom. However admirable it may be to retain such customs, and I am a strong supporter of the good old customs, it seems hardly appropriate to introduce esoteric and exotic factors among a people to whom it can only be, I would say, a superfluous element.

For these reasons, which are I consider strong reasons, I hope Honourable Members will support the Bill. I am confident that if Nigeria is to be made safe for native administration, the High Court rather than the extension of the Supreme Court will provide a very much sounder insurance policy.

Before I close I should like to take to task the Honourable Member for Calabar for what he said in his speech on the Protectorate Courts Bill. I refer to his entirely unfounded allegation, his base allegation, that the Native Courts that are now being set up in the Eastern Provinces as a result of this scheme of reorganisation (which the Honourable Mr. Graham Paul urged so strongly in his reservation to the Report of the Aba Commission) had been set up, not as I understood him to say as a means of providing a better form of justice to the people but as a means of fomenting litigation and increasing revenue. To impute such motives to Your Excellency (for not one of these courts has been established without Your Excellency's specific consideration and approval) would be to my mind an astonishing performance from any person let alone a Member of this Council, and one who, I was glad to read in his speech delivered at the March Session of Council, received Your Excellency's exposition of the policy of indirect rule with interest and warm support.

**The Hon. the Member for Calabar (Mr. C. W. Clinton):—**

I should like to correct that statement. I do not think I said they were introduced for the purpose of fomenting litigation. I said that the result was that they did foment litigation.

**His Honour the Acting Lieutenant-Governor, Southern Provinces:—**

I accept your explanation. That is how I understood the Honourable Member and I felt sure that if that was so, I could not have understood the full purport of those words. I readily withdraw my remarks.

I may add that the scheme of reorganisation in the Eastern Provinces is based solely on the best interests of the people and in accordance with their wishes. It is not, I can say, if it is necessary to say so, for the ulterior motive of promoting revenue: on the contrary the revenue has decreased very largely in the last few years. In all these small clan courts the meetings have tended to decrease, for when a man appears before his own clan court he is less likely to be treated harshly and severely punished than when he appeared before the old mixed court: nor do they tend to foment litigation because a man is more likely to be satisfied with the judgment of his own clan elders than he would be when the punishment was meted out by a court which was, as it often was, composed of members of a clan that was hostile to his own.

I do not think the Honourable Member for Calabar is really acquainted with the remarkable change that has come over the Calabar Province during the last three years as a result of this policy of reorganisation. I am afraid he is one of those hard worked persons who can only scurry through the Province on his way from Assize to Assize, and he has no time to look to the right or to the left. He has not been able to see the remarkable change. There is no question that the scheme is proving a success in the Calabar Province, and I trust that after the successful meeting I held in Calabar itself, it will be a success there also.

I can only wish that the Honourable Member for Calabar had been able to accompany me to a meeting of the Oron Group (which is a close neighbour of Calabar) and have seen their pleasure and excitement at their new-found unity receiving expression in a Native Council and Group Courts. They treated it as a gala day. If only the Honourable Member for Calabar had been with me he might have shared the compliment which they paid me when I was presented by a charming young lady with a wreath of flowers. It would have been an edifying spectacle if the Honourable Member for Calabar and myself could have returned to Calabar hand in hand with our necks entwined by twin wreaths of flowers. It would have dispelled the fantastic notion of the Honourable Mr. Graham Paul that there has ever been or ever will be any friction between the Administrative Service and the Supreme Court.

#### His Excellency:—

To come back to the amendment of the Honourable First Lagos Member that clause 50 be deleted, it is a safeguard to the liberties of the people because in many instances—and I have seen this in cases which have come to my own personal knowledge—facts of particular importance known to the District Officer were not disclosed which should have been disclosed to the Court. In one particular case I have in mind the District Officer convinced the Court and convinced me, after the Court had given a verdict, that a very serious sentence should not be carried out against a certain native. It is a safeguard for the liberties of the people.

The question is that clause 50 be struck out. Will those in favour say "Aye" and those against "No."

*The amendment was defeated.*

THE SUPREME COURT (AMENDMENT) ORDINANCE, 1933.

The Hon. the Attorney-General:—

Sir, I move the adoption by the Council of the Report of the Select Committee appointed to consider a Bill entitled "An Ordinance to amend the Supreme Court Ordinance."

A BILL ENTITLED

AN ORDINANCE TO AMEND THE SUPREME COURT ORDINANCE.

The Select Committee recommends that the Bill be enacted with the following amendments:—

Clause 17. Delete "before the hearing."

Schedule. Add "The Legal Practitioners Ordinance, 1933."

A. C. V. PRIOR,  
*Chairman.*

1st November, 1933.

His Excellency:—

Report agreed to.

THE CRIMINAL PROCEDURE (AMENDMENT NO. 2) ORDINANCE, 1933.

The Hon. the Attorney-General:—

Sir, I move the adoption of the Report of the Select Committee appointed to consider a Bill entitled "An Ordinance to amend the Criminal Procedure Ordinance." Honourable Members have had copies of the Reports of the Select Committee and they will find here and there some slight alterations in ink. All of those alterations received the approval of the Committee. There is an important alteration in the Report relating to this Bill. Honourable Members will see that in connexion with clause 33, section 164, the word "substitute" should be "insert."

A BILL ENTITLED

AN ORDINANCE TO AMEND THE CRIMINAL PROCEDURE ORDINANCE.

The Select Committee recommends that the Bill be enacted with the following amendments:—

Clause 8. For the words "vary or set aside such order" at each of the places where these words occur substitute the words "set aside such order or reduce the sentence of imprisonment or the fine imposed."

Clause 33. Section 164. Between the definitions of "Appellant" and "Verdict" insert the following definition:—  
 "Advocate" means a solicitor or counsel."

Clause 33. Section 166 (3). For "the powers vested in the Chief Justice and the Chief Judge respectively" substitute "such powers as are vested in the Chief Justice, the Chief Judge and other Judges."

1st November, 1933.

His Excellency:—

Report adopted.

A. C. V. PRIOR,  
 Chairman.

THE WEST AFRICAN COURT OF APPEAL ORDINANCE, 1933.

The Hon. the Attorney-General:—

Sir, I move the adoption of the Report of the Select Committee appointed to consider a Bill entitled "An Ordinance to make provision for appeals to the West African Court of Appeal."

A BILL ENTITLED

AN ORDINANCE TO MAKE PROVISION FOR APPEALS TO THE WEST AFRICAN COURT OF APPEAL.

The Select Committee recommends that the Bill be enacted with the following amendments:—

Clause 2. At the end of the definition of "Court of Appeal" add "or by any Order of His Majesty in Council substituted for the said Order in Council."

In the definition of "Rules of Court" for the words "as subsequently amended" substitute "or under any Order in Council substituted for the said Order in Council".

Clause 3. For "therefrom;" at the end of paragraph (a) (iii) substitute "therefrom, and".

Delete "always".

Add the following proviso:—

"Provided also that the rights of appeal given by this section shall apply in respect only of judgments, decisions and orders given in the exercise of the original jurisdiction of the Supreme Court or the High Court".

Clause 11 (4). For "of" at the third place where the word occurs substitute "or".

A. C. V. PRIOR,  
 Chairman.

1st November, 1933.

His Excellency:—

Report adopted.

## THE INTER-TRIBAL BOUNDARIES SETTLEMENT ORDINANCE, 1933.

The Hon. the Attorney-General:—

Sir, I move the adoption of the Report of the Select Committee appointed to consider a Bill entitled "An Ordinance to provide for the settlement of Disputes with regard to inter-tribal boundaries."

## A BILL ENTITLED

AN ORDINANCE TO PROVIDE FOR THE SETTLEMENT OF DISPUTES WITH REGARD TO INTER-TRIBAL BOUNDARIES.

The Select Committee recommends that the Bill be enacted with the following amendments:—

Clause 4. For "one or more chiefs as assessors, whom he may summon as occasion requires. The opinion of each chief"

substitute "such one or more persons as he may select as assessors, whom he may summon as occasion requires. The opinion of each assessors".

A. C. V. PRIOR,  
Chairman.

1st November, 1933.

His Excellency:—

Report adopted.

*Council resumed.*

## THE NATIVE AUTHORITY ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Secretary, Northern Provinces, the Bill was read a third time and passed.

## THE NATIVE COURTS ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Secretary, Northern Provinces, the Bill was read a third time and passed.

## THE PROTECTORATE COURTS ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Secretary, Northern Provinces, the Bill was read a third time and passed.

## THE SUPREME COURT (AMENDMENT) ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Deputy Chief Secretary, the Bill was read a third time and passed.

## THE CRIMINAL PROCEDURE (AMENDMENT No. 2) ORDINANCE, 1933.

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Deputy Chief Secretary, the Bill was read a third time and passed.

**THE WEST AFRICAN COURT OF APPEAL ORDINANCE, 1933.**

On the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Deputy Chief Secretary, the Bill was read a third time and passed.

**THE INTER-TRIBAL BOUNDARIES SETTLEMENT ORDINANCE, 1933.**

On the motion of the Honourable the Attorney-General, seconded by the Honourable Mr. E. M. Falk, the Bill was read a third time and passed.

**THE 1932-1933 SUPPLEMENTARY SUPPLY ORDINANCE, 1933.**

On the motion of the Honourable the Acting Treasurer, seconded by the Honourable the Acting Deputy Chief Secretary, the Bill was read a third time and passed.

*Council adjourned at 12.30 p.m.*

*Council resumed at 3.30 p.m.*

**BILLS.**

**THE MOTOR TRAFFIC (AMENDMENT) ORDINANCE, 1933.**

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled "An Ordinance to amend the Motor Traffic Ordinance, 1927" be read a first time.

**The Hon. the General Manager of the Railway:—**

I beg to second the motion.

*Bill read a first time.*

**The Hon. the Attorney-General:—**

Sir, I move that Standing Order No. 32 be suspended in order that this Bill may be carried through all its stages at this meeting of Council.

*Standing Order No. 32 suspended.*

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled "An Ordinance to amend the Motor Traffic Ordinance, 1927" be read a second time. The general scheme of the Criminal Procedure (Amendment No. 2) Bill and the Supreme Court (Amendment) Bill and the Protectorate Courts Bill with regard to appeals against convictions in a Magistrate's Court is that there will be a right of appeal to the Supreme Court or to the High Court on questions both of law and fact, and a further right of appeal to the West African Court of Appeal on questions of law only. This Bill makes such amendments in the Motor Traffic Ordinance, 1927, as are necessary in order to bring into conformity with that scheme the provisions of the Motor Traffic Ordinance, 1927, relating to appeals against orders made by a magistrate as a result of which a person is disqualified from obtaining a motor vehicle licence, or against the refusal of a magistrate on appeal to cancel the revocation of a licence by a licensing authority, or to issue a licence which has been refused by a licensing authority.

The amendment made by clause 5 of the Bill is necessary in order that Government may give effect to its policy as recently announced of enabling the Railway to compete on more equal terms with commercial motor vehicles using certain highways. This amendment will enable the Governor in Council to make regulations prescribing increased fees for licences in the case of such motor vehicles.

**The Hon. the General Manager of the Railway:—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

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

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the General-Manager of the Railway, the Bill was read a third time and passed.

THE EDUCATION (COLONY AND SOUTHERN PROVINCES) (AMENDMENT)  
ORDINANCE, 1933.

**The Hon. Mr. E. R. J. Hussey, C.M.G. (Director of Education):—**

Sir, I move that a Bill entitled "An Ordinance to amend the Education (Colony and Southern Provinces) Ordinance, 1926, be read a second time. The purpose of this amending Ordinance is to make the suitability of a manager of a school one of the necessary conditions for opening a school, and the unsuitability of a manager one of the possible causes for closing a school. Cases sometimes arise when a person of bad character wishes to open a school, the sort of person whom society should not permit to be in charge of the young. Under the provisions of the existing Ordinance the Director, with a Committee of the Board of Education, has to be satisfied before a school is opened that the school will be efficiently conducted, and the efficient conduct of a school should include provision that the pupils will not be subject to harmful influences. On the other hand, the character of a manager cannot be taken as a determining factor in the opening or closing of a school.

The question was brought up before the Board of Education at a recent meeting and the proposal that the Ordinance should be altered in the manner which is prescribed under this Bill, received the support of the whole Board. It will be noted that the final decision in all these cases lies with the Governor.

**The Hon. Captain J. Calder Wood, M.C. (Surveyor-General):—**

I beg to second the motion.

**The Hon. the Member for the Colony Division (Mr. H. Carr, O.B.E., I.S.O.):—**

In recent years a large number of schools have been opened in the distant Provinces, and more backward parts of the Protectorate, Sir, and these schools owe their existence chiefly to the activities of the local religious bodies. Such bodies establish a church in some backward area and attached to that church is a school. The charge of these local religious bodies is in many cases given to persons with very little acquaintance with matters of education, and the matter was first brought to notice in the early years of the operation of the Code of 1926. Many letters were sent to the Board of Education which were quite meaningless and I suggested then that the standard of education for managers should be established in the same manner as for school teachers. It appears that my latest question drew the attention of many teachers out of Lagos and I received communications from many of them telling me of the difficulties they had experienced from incompetent managers. Recently I have considered this an important matter because in connexion with elementary education the work done is not intended to be so much the teaching of reading, writing and arithmetic as to form the character of the child, and I consider these elementary schools exist more for the purpose of civilising and giving the child moral teaching than for the teaching of reading, writing and arithmetic. Where we have managers whose personality and character are not suitable for training children there is a very bad effect in the slow progress of the community.

Some people will say that this Bill is to restrict school managers and restrict education, but I do not think that is a just view. It is a mistaken view, for if we have a school well managed and well conducted it is far more important than having twenty schools indifferently managed and badly conducted. The difficulties can be removed if those who establish schools would employ a competent man to be manager of a group of schools, who would go round and see that records were properly made and kept, and if we were to adopt the method proposed under this Bill rather than expose children to forms of evil to which they would be exposed if they were left alone to bad influences or left in ignorance in the dwellings of their parents.

*Bill read a second time.*

**The Hon. Mr. E. R. J. Hussey, C.M.G. (Director of Education):—**

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

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable Mr. E. R. J. Hussey, C.M.G. (Director of Education), seconded by the Honourable Captain J. Calder Wood, M.C. (Surveyor-General), the Bill was read a third time and passed.

## THE EX-NATIVE OFFICE HOLDERS REMOVAL ORDINANCE, 1933.

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled "An Ordinance to make provision for the removal in certain cases of persons who having been Native Authorities or having held certain other offices have ceased to hold office, from the areas for or in which they were appointed, and to validate the removal of certain Chiefs and to provide for their detention at the places to which they have been removed" be read a second time. The effect of so much of this Bill as does not merely reproduce the provisions of the Ordinance which it repeals is that where a person has exercised executive authority under the Native Authority Bill, or judicial authority under the Native Courts Bill, or has been appointed a District or Village Headman under the Native Revenue Ordinance, and then ceases to hold office by reason of the termination of his appointment or resignation, the Governor may by Order require that person to leave the area in which he has exercised authority if the Governor is satisfied that that course is necessary for the peace, order and good government of the area in question. It does not, I think, require much reflection in order to realise that it is essential that the Governor should have this power. An office holder whose appointment was terminated might simply lay himself out to make the position of his successor quite impossible.

**The Hon. the Acting Secretary, Northern Provinces:—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

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

*Council in Committee.*

**The Hon. the Attorney-General:—**

Sir, I move as an amendment to the long title, that the word "Chiefs" be deleted where it occurs before the words "and to provide for their detention", and that the word "persons" be substituted for it.

*The amendment 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, Northern Provinces, the Bill was read a third time and passed.

## THE LAND DEVELOPMENT (PROVISION FOR ROADS) ORDINANCE, 1933.

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled "An Ordinance to make provision for any necessary reservation of land for roads where land is sold off in lots" be read a second time. Those Honourable Members who know Lagos and its neighbourhood will not, I

think, regard the description in the statement at the end of this Bill as to the manner in which land has been developed on the outskirts of Lagos as in any degree exaggerated, nor do I think that will they fail to realise what is likely to be the effect of such a method of development, if allowed to continue unchecked, on the amenities of a larger Lagos in the future.

You have, Sir, the Lagos Executive Development Board engaged in a long, laborious and costly endeavour to remove within Lagos the very evils which are in course of creation on the outskirts of Lagos, and it is because Government considers that it is essential that this haphazard method of developing land should be checked wherever it exists, and prevented wherever it is threatened, that this Bill is introduced.

The best method of tackling the problem has received Government's close consideration, and it is believed that the scheme which is embodied in this Bill is the simplest and most effective that it is possible to devise. Honourable Members will have read the outline of the scheme in the statement at the end of the Bill: Let me in the first place take the ordinary case of a land owner having a large area of land which he wishes to divide up into lots with a view to sale. The Bill requires him to make a survey of the land and to indicate on his plan how he proposes to divide up the land into lots, and where the roads will run. That will be no hardship on him because he would, of course, have to do that in any case. The Bill goes on to provide that the land owner must not proceed to sell off his land in lots until his plan has been approved by the Surveyor-General; but in order that the land owner may know what the views of the Surveyor-General will be, before he goes to the expense of making a survey, the Bill enables him to submit to the Surveyor-General a sketch plan. This will enable the Surveyor-General and the land owner to discuss the whole question, and I suppose in practically every case to settle it without difficulty. The land owner will then be able to proceed with the survey of his land and to make a plan of which he will know the Surveyor-General will approve. The plan will indicate how the land is to be divided up into lots and what is to be the alignment and the width of the roads.

The Bill enables the Surveyor-General, if he considers it necessary, to require that one-sixth of the area shall be reserved for roads without any question of compensation arising. If roads are necessary it is no hardship on the land owner that he should be required to reserve a portion of his land for roads. They are essential to his scheme of development, and the value of every plot he sells will be increased by the adequate reservation of land for roads, and I think one may assume that in every case the value of the whole area of land will be increased to the extent of at least one-sixth by the reservation of land for roads, and that is the area which the Surveyor-General may require the land owner to reserve without compensation. If the Surveyor-General should require a bigger reservation, which, I suppose, will be extremely unlikely, there is a provision in the Bill to provide for compensation for the land owner.

If the scheme is to be a success, that is to say if it is to be enforced, it is, in the opinion of Government, essential that these provisions should also apply to the case where a land owner only wishes to sell a single part of his land, because otherwise a land owner having an intention to sell off his land in lots might, without disclosing that intention, quietly sell off the land piece by piece, and in that way elude the provisions of the Bill altogether. Moreover quite apart from that consideration it might well be that where a land owner was only selling off one part of his land it would be necessary that a part of the land sold off should be reserved for a road, because otherwise the purchaser might have no means of access to the land he was buying.

The Surveyor-General is empowered by the Bill to dispense with compliance with the provisions of the Bill in cases where he does not consider compliance necessary, and I suppose that he will often do so in just the cases which I am now considering—cases in which the land owner only wishes to sell off one piece of his land. Honourable Members will, I think, realise that the Bill is not a Bill of general application. It will have no application at all until it is applied to an area by the Governor by Order in Council, but the Governor can apply the Bill to any area by Order in Council where he considers that the problem of which I have spoken has arisen or is likely to arise. The Bill will in the opinion of Government provide a simple and efficacious means of preventing the evil at which it is directed, and that without causing any injustice to anyone. It will save many a purchaser from the disappointment of finding that he has spent his money in buying land to which he has no lawful access, and it will save Government or local authorities long and costly town planning operations in the future.

**The Hon. Captain J. Calder Wood, M.C. (Surveyor-General):—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

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

*Council in Committee.*

*Clause 12.*

**The Hon. the Attorney-General:—**

Sir, I move that the word "affect" be substituted for "effect" in the second line. It is merely a printer's error.

*Amendment adopted.*

*Clause 13.*

**The Hon. the Attorney-General:—**

Sir, I move that the word "Authority" in the third and sixth lines be spelt with a small "a".

*Amendment adopted.*

The Bill having passed through Committee with three amendments, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable Captain Calder Wood, M.C. (Surveyor-General) the Bill was read a third time and passed.

THE CUSTOMS (AMENDMENT) ORDINANCE, 1933.

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled "An Ordinance to amend the Customs Ordinance" be read a second time. There is a saying that "A fool and his money are soon parted". While, of course, it is quite impossible by legislation to ensure universally the protection of fools against themselves, from time to time cases do arise in which it is possible to afford some measure of protection, and to afford that protection by legislation. The Bill now before the Council refers to just such a case. You have coming into Nigeria a large quantity of quack medicines which are absolutely worthless, and as a consequence of glowing and fraudulent descriptions of their curative properties they are sold in large quantities and at high prices, and it is mainly to cope with this kind of traffic that this Bill provides that where goods of no substantial intrinsic value are imported into Nigeria, and it appears to a Collector of Customs that the consignee has been deluded or that persons to whom he may sell the goods will be deluded, the goods may be destroyed; but the Bill stipulates that no goods are to be destroyed until the consignee has been given an opportunity of showing cause against their destruction.

Furthermore, as I have already indicated, the right to destroy is limited to goods which are of no substantial intrinsic value: that means that if the Comptroller of Customs orders the destruction of goods which cannot be so described, then he will be liable in damages.

**The Hon. the Acting Comptroller of Customs:—**

I beg to second the motion.

**His Excellency:—**

You can get powders to help pass examinations. Quite a number of people have been led to believe that they will pass any examination if they consume these powders in a sufficient quantity.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

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

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Comptroller of Customs, the Bill was read a third time and passed.

THE WATERWORKS (AMENDMENT) ORDINANCE, 1933.

The Hon. the Attorney-General:—

Sir, I move that a Bill entitled "An Ordinance to amend the Waterworks Ordinance" be read a second time. Obviously the most satisfactory way of charging and paying for water is to charge and to pay for it according to the actual quantity supplied, and this Bill enables a Waterworks authority to refuse to supply water to premises otherwise than by meter.

The Hon. the Director of Public Works:—

I beg to second the motion.

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

Does this apply to existing premises?

The Hon. the Attorney-General:—

To any premises.

His Excellency:—

It will apply to people who pay five per cent. on their property, and then have a swimming bath.

*Bill read a second time.*

The Hon. the Attorney-General:—

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

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Director of Public Works, the Bill was read a third time and passed.

THE REGISTRATION OF UNITED KINGDOM DESIGNS (AMENDMENT) ORDINANCE, 1933.

The Hon. the Attorney-General:—

Sir, I move that a Bill entitled "An Ordinance to amend the Registration of United Kingdom Designs Ordinance, 1928" be read a second time. This Bill amends an Ordinance which provides for the registration and protection in Nigeria of designs which have been registered in the United Kingdom. The provisions of the Bill are, I think, fully explained in the statement at the end of the Bill. Briefly the object of the Bill is to reduce the expense involved in registering designs in Nigeria in two ways.

The effect of the principal Ordinance is to require that, with an application for registration, there shall be sent three representations of the design. This Bill provides that one will be sufficient, and it also reduces certain of the fees.

**The Hon. Mr. E. M. Falk (Commissioner of the Colony):—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

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

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable Mr. E. M. Falk (Commissioner of the Colony), the Bill was read a third time and passed.

**THE FOLDED WOVEN GOODS (AMENDMENT NO. 2) ORDINANCE, 1933.**

**The Hon. the Attorney-General:—**

Sir, I move that a Bill entitled "An Ordinance to amend the Folded Woven Goods Ordinance" be read a second time. As Honourable Members will see, the sole object of this Bill is to make more definite the definition of "tents" which appears in the principal Ordinance.

**The Hon. the Acting Comptroller of Customs:—**

I beg to second the motion.

*Bill read a second time.*

**The Hon. the Attorney-General:—**

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

*Council in Committee.*

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Acting Comptroller of Customs, the Bill was read a third time and passed.

**His Excellency:—**

That, Honourable Members, is the measure of our business. I thank Honourable Members for the assistance they have given in what has been a heavy programme.

Council will be dissolved by Proclamation, and I hope the Budget Session will be held early in February.

*Council adjourned at 4.10 p.m. sine die.*

